

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KLEBERG: A bill (H. R. 15270) to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex."—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER (by request): A bill (H. R. 15271) relating to the payment of money from the United States Treasury to aid in the support of State Soldiers' Homes—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 15272) to amend section 532 of the Revised Statutes of the United States, and for other purposes—to the Committee on the Judiciary.

By Mr. MOON: A resolution (H. Res. 318) for the consideration of H. R. 12268—to the Committee on Rules.

By Mr. APLIN: A resolution (H. Res. 319) providing for the printing of the last issue of the House Calendar of the first session of the Fifty-seventh Congress as a House document—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 15269) to pay John Iredale for services as folder in April, 1901—to the Committee on Appropriations.

By Mr. CLARK: A bill (H. R. 15273) granting an increase of pension to Garland Spencer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15274) granting a pension to Josephine B. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15275) granting a pension to Peter Berg—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 15276) for the relief of William N. Bilbo, jr., administrator—to the Committee on War Claims.

By Mr. KETCHAM: A bill (H. R. 15277) granting a pension to Mary Schoonmaker—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 15278) granting a pension to Francis Tate—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 15279) to amend the military record of Timothy W. Riley, alias John Henny—to the Committee on Military Affairs.

By Mr. PATTERSON of Tennessee: A bill (H. R. 15280) for the relief of the estate of R. B. Owen, deceased—to the Committee on War Claims.

By Mr. PUGSLEY: A bill (H. R. 15281) granting a pension to Kate H. Morris—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 15282) granting a pension to Martha A. Sanders—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 15283) for the relief of George L. Adams—to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 15284) to remove the charge of desertion from the record of Robert A. Godsey—to the Committee on Military Affairs.

By Mr. HOPKINS: A bill (H. R. 15285) to remove the charge of desertion from the military record of William Morrison—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of Buffalo Business Men's Credit Council, of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT: Resolution of the fourth annual convention of the Georgia Federation of Labor, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. BEIDLER: Petition of the American Committee on Human Rights and Justice, in relation to the administration of affairs in the Philippines, especially against the disregard of the Catholic faith and institutions of the people—to the Committee on Insular Affairs.

Also, petition of The American Association of Nurserymen, of Rochester, N. Y., asking for the passage of House bill 10999—to the Committee on Agriculture.

By Mr. BOUTELL: Petition of citizens of Chicago, for the erection of a monument to Baron Steuben—to the Committee on the Library.

By Mr. BUTLER of Pennsylvania (by request): Petition of W. C. Kelly and others, of Chester, Pa., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CASSINGHAM: Paper to accompany House bill relating to the claim of Isaac Dewitt—to the Committee on Claims.

By Mr. DRAPER: Petition of American Association of Nurserymen, advocating the passage of House bill 10999, in favor of national quarantine of diseased and infected trees and plants—to the Committee on Agriculture.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

Also, protest of the Wine, Liquor, and Beer Dealers' Association of the State of New York, against the passage of House bill 14019, increasing the liquor license in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GOLDFOGLE: Petition of citizens of the Ninth Congressional district of New York, in favor of the passage of House bill 12203—to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of Valley City Federal Union, No. 8649, Sidney, Ohio, for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of Carpenters and Joiners' Union of Bridgeton, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington: Petition of the Chamber of Commerce of Tacoma, Wash., favoring the passage of House bill 242, concerning the regulation of gasoline and other launches—to the Committee on the Merchant Marine and Fisheries.

By Mr. LACEY: Petition of Green and Bentley Drug Company, of Oskaloosa, Iowa, in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MANN: Petitions of South Park Drug Company, J. E. Grubb, and other retail druggists of Chicago, Ill., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the American Association of Nurserymen, of Rochester, N. Y., asking for the passage of House bill 10999—to the Committee on Agriculture.

Also, resolutions of the Illinois National Guard and Naval Militia Association, in favor of the passage of House bill 11654, to promote the efficiency of the militia—to the Committee on the Militia.

By Mr. PUGSLEY: Protest of the Pure Oil Company of Pittsburgh, Pa., against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of West Side Lodge, No. 320, International Association of Machinists, of New York, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, petition of American Association of Nurserymen, advocating the passage of House bill 10999—to the Committee on Agriculture.

Also, resolutions of Electrical Workers' Union No. 3, of New York, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY of New York: Petition of Belden Post, No. 342, of Richford, Grand Army of the Republic, Department of New York, favoring a bill to modify the pension laws—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Wine, Liquor, and Beer Dealers' Association of the State of New York, in opposition to the passage of House bill 14019, increasing the liquor license in the District of Columbia—to the Committee on the District of Columbia.

By Mr. YOUNG: Petition of Smith, Kline & French Company, of Philadelphia, Pa., suggesting an investigation of the facts connected with the occupation of the Philippines—to the Committee on Insular Affairs.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

SENATE.

FRIDAY, June 27, 1902.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PRITCHARD, and by unanimous consent, the further reading was dispensed with.

AMENDMENT OF DISTRICT CODE.

Mr. PRITCHARD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 498) to amend an act entitled "An act to establish a code of law for the District of

Columbia" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

In said amendment, page 1, line 8, strike out "four" and insert "six."
On page 2, strike out lines 7 to 15, inclusive, and in lieu thereof insert the following: "And said Supreme Court shall from time to time divide the said district into subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require. No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office. When the number of such justices of the peace shall be reduced by death, resignation, or expiration of term of service, or otherwise, to six, the number of such justices of the peace shall be six only, and if the number shall not be reduced to six until the expiration of the term of the present justices of the peace, only six vacancies shall then be filled."

On page 3, strike out line 1.

On page 5, line 13, after "President," insert "by and with the advice and consent of the Senate."

On page 14, line 19, strike out "drunkards" and insert "any person."

On page 16, line 9, after "compensation" insert "at the rate of \$4,000 per annum;" and in line 10, after the word "wills" add the following proviso: "And provided further, That the employees of said office shall not be in excess of the number actually necessary for the proper conduct of the office of said register of wills."

On page 32, line 23, strike out "five" and insert "fifth."

On page 35, line 23, strike out "live" and insert "life."

On page 53 strike out lines 23, 24, and 25; and on page 57 strike out lines 1 and 2, and in lieu thereof insert the following:

"Sec. 1073a. Whenever the court shall be satisfied that the party producing a witness has been taken by surprise by the testimony of such witness, such party may, in the discretion of the court, be allowed to prove, for the purpose only of affecting the credibility of the witness, that the witness has made to such party or to his attorney statements substantially variant from his sworn testimony about material facts in the cause, but before such."

On page 61, line 1, strike out "such person or corporation" and insert "the creditor."

On page 64, line 1, strike out "four" and insert "five."

On page 64, line 15, after "court," insert "holding an equity term;" and in line 18, after the word "infant," add "The court shall have power, in its discretion, to grant the prayer of such petition."

On page 68, line 10, strike out "line 3" and insert "lines 2 and 3."

And the House agree to the same.

J. C. PRITCHARD,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.
JOHN J. JENKINS,
SAMUEL W. SMITH,
W. S. COWHERD,
Managers on the part of the House.

The report was agreed to.

CONGRESSIONAL DIRECTORY.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved, etc., That there be printed, and bound in cloth, 3,000 copies of a Congressional Directory which embraces the biographies of all members of Congress from the Continental Congress to the Fifty-seventh Congress, inclusive, compiled by O. M. Enyart, 2,000 copies for the use of the House of Representatives and 1,000 copies for the use of the Senate.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate a communication from the acting secretary of the Smithsonian Institution, transmitting the fourth annual report of the National Society of the Daughters of the American Revolution; which, with the accompanying papers, was referred to the Committee on Education and Labor, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed, each with an amendment, the following bills; in which it requested the concurrence of the Senate:

A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes; and

A bill (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 13674) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States relative to the internal-revenue tax on fermented liquors;

A bill (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement;

A bill (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line, and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Town-

ship, Chicago, Ill., being at the location of the present bridge of said company across said river in said township; and

A bill (H. R. 15140) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2348) for the establishment of a subport of entry at Naco, Ariz.;

A bill (S. 3651) appropriating the sum of \$3,000 a year for the support and maintenance of the Permanent International Commission of the Congress of Navigation, and for other purposes;

A bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889;

A bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States;

A bill (S. 6270) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1903;

A bill (H. R. 621) for the relief of Daniel Cherry;

A bill (H. R. 1456) granting a pension to William G. Miller;

A bill (H. R. 4170) granting an increase of pension to Henry P. Macloon;

A bill (H. R. 6009) granting a pension to Absolum Maynard;

A bill (H. R. 6031) authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;

A bill (H. R. 8108) for the relief of John Hornick;

A bill (H. R. 8769) for the relief of S. J. Bayard Schindel;

A bill (H. R. 10279) to pay the claim of Stephen B. Halsey;

A bill (H. R. 12205) to provide for circuit and district courts of the United States at Valdosta, Ga.;

A bill (H. R. 14042) granting an increase of pension to George W. Edgington;

A bill (H. R. 14206) granting a pension to Mary J. Moore;

A bill (H. R. 14208) granting an increase of pension to Alexander Murdock;

A bill (H. R. 14656) granting an increase of pension to Charles A. Scott; and

A bill (H. R. 14802) for the purchase of real estate for revenue and customs purposes at Wilmington, N. C.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I ask that Senate bill 2295, just returned from the House, may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I move that the Senate nonconcur in the amendment of the House and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. LODGE, Mr. ALLISON, and Mr. CULBERSON were appointed.

PETITIONS AND MEMORIALS.

Mr. QUAY. I present a petition of 152 citizens and residents of the Cherokee Nation, praying for the passage of the bill (H. R. 5956) providing for the allotment of lands of the Cherokee Nation, and for other purposes; which is the order of business for to-day. I move that the petition lie on the table.

The motion was agreed to.

Mr. CLAY presented resolutions of the Board of Trade of Savannah, Ga., favoring the ratification of reciprocal trade agreements with the Dominion of Canada; which were referred to the Committee on Relations with Canada.

Mr. FORAKER presented petitions of 402 citizens of Ohio, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Oberlin, Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Cigar Makers' Local Union No. 173, of Zanesville, Ohio, remonstrating against any reduction of the duty on tobacco imported from Cuba; which was referred to the Committee on Finance.

He also presented petitions of the Pattern Makers' Association of Dayton; of Iron Molders' Local Union No. 250, of Massillon; of Lodge No. 203, International Association of Machinists, of Akron; of Iron Molders' Local Union No. 143, of Mount Vernon; of the Central Labor Union of Ashtabula; of Lodge No. 453, International Association of Machinists, of Mansfield, and of Lodge No. 200, International Association of Machinists, of Youngstown, all in the State of Ohio, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented a petition of Encampment No. 41, Union Veteran Legion, of Cincinnati, Ohio, praying for the passage of a per diem service pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Young People's Society of Christian Endeavor, of Greenwich, Ohio, praying for the adoption of certain amendments to the so-called anticanteen law; which was referred to the Committee on Military Affairs.

He also presented resolutions of 100 members of the Baptist Church of Burlington, Ohio, favoring the enactment of legislation to make effective the provisions of the Constitution having reference to the disfranchisement of citizens; which were referred to the Committee on the Judiciary.

Mr. MASON presented resolutions adopted by the Illinois National Guard and Naval Militia Association, praying for the enactment of legislation to promote the efficiency of the militia; which were referred to the Committee on Military Affairs.

He also presented petitions of Retail Clerks' Local Union No. 45, of Streator, and of Retail Clerks' Local Union No. 493, of Decatur, in the State of Illinois, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of Stone City Lodge, No. 124; of Unity Lodge, No. 134, of Chicago, and of Batavia Lodge, No. 213, of Batavia, all of the International Association of Machinists, in the State of Illinois; and of Hopedale Lodge, No. 48, International Association of Machinists, of Milford, Mass., praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented petitions of the Woman's Christian Temperance Unions of Kewanee and Lake County; of the Ministerial Union of Dixon, Ill., and of the Rev. Wilbur F. Crafts, of Washington, D. C., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations; which were ordered to lie on the table.

LEWIS AND CLARKE DISCOVERY CENTENNIAL EXPOSITION.

Mr. MITCHELL. I hold in my hand a memorial of the legislature of my State. I ask that it may be read at length, and then I shall ask consent of the Senate that I may occupy not to exceed ten minutes in submitting some remarks in support thereof.

The PRESIDENT pro tempore. The memorial of the legislature of Oregon, presented by the Senator from Oregon, will be read.

The Secretary read as follows:

House concurrent resolution No. 22.

Whereas the State of Oregon and the people of the city of Portland and of the Pacific Northwest States have provided the means for holding a centennial exposition in honor of the Lewis and Clarke expedition to the Pacific coast in the city of Portland during the year 1905; and

Whereas it is believed that the holding of such an exposition will be of great material benefit to the people of the Pacific Northwest and to the General Government of the United States and of all oriental countries: Therefore, be it

Resolved, That Congress be, and they are hereby, requested to make a suitable appropriation for a national exhibit at said fair, and also that proper acts be passed and proper resolutions be presented to the oriental countries and to other foreign governments and the Dominion of Canada, requesting them to make industrial exhibits at said fair. Be it

Further resolved, That our Senators and Members of Congress be, and they are hereby, requested to use every effort in their power to secure the proper legislation by Congress to carry out the spirit and intent of this resolution. Adopted by the house February 21, 1901.

L. B. REEDER,
Speaker of the House.

Concurred in by the senate February 21, 1901.

C. W. FULTON,
President of the Senate.

Approved February 25, 1901.

T. T. GEER, Governor.

[Indorsed.]

House concurrent resolution No. 22, A. C. Jennings, chief clerk. Executive department, State of Oregon, received February 23, 1901. Filed February 26, 1901, F. I. Dunbar, secretary of State.

UNITED STATES OF AMERICA,
STATE OF OREGON, OFFICE OF THE SECRETARY OF STATE,
Salem, Oreg., March 11, 1901.

I, F. I. Dunbar, do hereby certify that I am the secretary of state of the State of Oregon, and custodian of the seal of said State; that the foregoing transcript of house concurrent resolution No. 22 of the twenty-first legislative assembly of the State of Oregon, filed in the office of the secretary of state February 26, 1901, has been by me compared with the original copy of the said house concurrent resolution No. 22, now on file in this office, and that it is a true and correct transcript thereof, and the whole of said original house concurrent resolution No. 22.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol, at Salem, Oreg., this 11th day of March, A. D. 1901.

[SEAL.]

F. I. DUNBAR,
Secretary of State.

Mr. MITCHELL. Mr. President, I beg the indulgence of the Senate for a few moments while I submit a remark in support of the legislative memorial just read.

Mr. President, the page of historic military adventure and discovery, either ancient or modern, fails to record a parallel in all that is implied in daring, persevering, successful effort, brilliant accomplishment, and pregnant with such tremendous possibilities, in the face of unparalleled obstacles and discouraging surroundings, comparable with the military expedition of Lewis and Clark across the wilderness of the North American continent in 1804 and 1805.

They were the heroic and persistent vanguard in geographic discovery, exploration, and physical development who blazed the pathway of advancing physical, industrial, and moral civilization, the grandest of this or that of any other age, and which now, in all its splendor and expanding glory, attracts the attention and commands the bewildering admiration of the whole civilized world.

The names of Meriwether Lewis and William Clark are inseparably connected with the military and political history, and the growth and development of American civilization, while their names lead in the great column of names that have become immortal in all ages through grand military and individual geographic achievement.

The historic page which records the unfolding, development, and upbuilding of all nations since the beginning of time is marked at intervals with events which stand as milestones in their national life and which are worthy of commemoration—events which open wide the door of possibilities, immeasurable in character and value, incomparable in importance in their relation to the advancement of spiritual inspiration, or the promotion of the principles of human liberty, or of representative government, or of scientific attainment, or geographic discovery and exploration, or, as is sometimes the case, which mark the beginning of an epoch involving most and at times all of these, and which lead on to a new, a better, and more exalted civilization than that of any which has preceded it—such as the birth of the Saviour, the advent of the Christian religion, the invention of the telescope by Galileo, the discovery of America by Columbus, the landing of the Pilgrims, the Declaration of American Independence, the Louisiana purchase, and last, but not least, the military expedition of Lewis and Clark. All these and many more that might be cited have from the dates of their respective occurrence in the past nineteen hundred years been deemed worthy by all civilized people of being kept alive by appropriate commemorating ceremonies.

The wisdom, the remarkable prescience, of Jefferson which led him to negotiate with the great Napoleon for the Louisiana purchase, and which about the same time inspired him to commission Lewis and Clarke to enter upon the great military expedition of geographic exploration and scientific discovery across the then trackless American continent, have of themselves rendered his name immortal. But why should the names of the men whose military genius, whose remarkable hardihood and untiring perseverance, whose scientific attainment, whose unyielding courage in the face of tremendous obstacles, seemingly insurmountable, enabled them to so successfully execute the commission imposed upon them by President Jefferson, be permitted to fade on the great scroll of American immortals? Why should the passing generations be permitted to forget the grandest achievement in the lines of military and scientific exploration upon the part of two heroic members of the American Army ever recorded by historic pen?

Why should not the millions of our people now living in peace, in prosperity, and many of them in affluence, between the Missouri and the Pacific coast, and reaping the fruits of agriculture, of mining, of grazing, of forestry, of trade, of commerce, and of all the varied industries of a civilization unparalleled by any people in any nation, enjoying the protection of a beneficent government of law and order, and a system of jurisprudence unparalleled by that of any people—why should not they, in an appropriate manner, by an exhibition of their products, testify their appreciation of the men who laid the corner stones of all this magnificent beneficence? Why should we, as a nation, hesitate to join in some proper manner in appropriately commemorating an event in our nation's history that marks the beginning of an era of that history, so pregnant not only with realized benefits, but so full of future possibilities; one that stands as the initiatory in an epoch in the development and exaltation of American civilization? And why should we as a nation, and why should we as a people, irrespective of party, regardless of sectional lines, fail to aid in a proper manner an appropriate industrial and commercial exposition, in commemorating the names and memories of the men who

blazed the pathway that has enabled us to mount these towering heights as a nation and as a people?

And in what manner can the one hundredth anniversary of the passing of the continent by Lewis and Clarke in 1804-5 be so appropriately and conspicuously commemorated, and their names be thus kept forever bright in the world's biographical lexicon of immortal names, and on history's enduring page as by a grand industrial exposition of the varied products of that section of our common country to which their memorable expedition opened an entrance for the builders of physical and moral empire and for the founders of States?

The purpose of my remarks at this time is to attract the attention not only of the Senate and House of Representatives of the United States, but the whole country, to the fact that it is the settled determination of the people of the great West and of the grand Pacific Northwest, as individuals and as States, to join hands in commemorating the centennial anniversary of the achievements of Lewis and Clarke by holding a grand industrial exposition at Portland, Oreg., in the year 1905. And in this connection I am pleased to be able to state that indeed great and satisfactory progress has already been made in this direction.

Many months ago a corporation for this purpose was organized by many of the leading, influential business men of Oregon, materially aided by prominent business men of the States of Washington and Idaho, having for its purpose the promotion of this enterprise. At the head of this corporation and as its president is Hon. H. W. Corbett, former Senator from that State in this body, one of the wealthiest and most enterprising business men of the Pacific coast, and he has already contributed largely of his means and is untiring in his efforts in promoting the cause. Already more than \$350,000 in cash have been raised in support of the enterprise. The legislature of the State of Oregon, nearly eighteen months ago, spoke out boldly and emphatically in favor of the great purpose, as is indicated by the legislative memorial just read. The people not only of Oregon but of all the Pacific coast States are enthusiastic in its favor. The press of the Pacific coast, irrespective of party, without a single exception, is earnest, cordial, and enthusiastic; our public men are a unit, but not less enthusiastic are the people generally of all classes.

It is not our purpose to have in magnitude a Chicago, a Paris, or a St. Louis exposition, but it is our purpose and our firm determination to have an industrial exposition on a scale while somewhat less in pretensions than those, yet one which will, by the magnitude and character of our varied products, command the admiration of all who visit it. We propose to present for the inspection of the people, not only of our own country, but those of foreign countries as well, the varied products of our great Pacific Northwest, which we are sure will elicit not only their astonishment, but their admiration and respect.

Not now, Mr. President, but at the next session of this Congress I shall ask, with the confident expectation that it will be surely granted, some proper Congressional recognition of this proposed exposition, and thus recognized and aided, at least by the smiles and approbation of Congress, we shall hope to have an exposition which will appropriately commemorate the great military and scientific exploration of Lewis and Clarke in 1804 and 1805. I shall do this notwithstanding the statement yesterday of the distinguished Senator from Maine that "we ought not again in a generation take any part whatever in any of these expositions," and in which, after referring to the expositions at Buffalo and Charleston, he further said: "As I have said, I hope the fate of these two will deter subsequent enterprises of this kind." I am sure the great, patriotic heart of the Senator from Maine will not hesitate when the time comes, and the matter is presented in its true light, and when the demand upon the Congress will be in all respects reasonable and modest, to make this one exception, and that we will find him, a distinguished leader of the Senate and of the Committee on Appropriations, cooperating with the people and the States of the great Pacific Northwest in bringing to a successful conclusion a modest industrial exposition, commemorative of the great geographical and scientific achievements of Lewis and Clarke, and which has done so much to open the doors to a great future for so many of the citizens of this country, many of whom come from the New England States.

The PRESIDENT pro tempore. The memorial presented by the Senator from Oregon will be referred to the Select Committee on Industrial Expositions.

REPORTS OF COMMITTEES.

Mr. BARD. I am directed by the Committee on Fisheries, to whom was referred the bill (S. 6286) prohibiting the killing or taking of seals, porpoises, whales, or marine animals, or fish of any kind in the waters of the United States by means of explosive materials, to report it favorably without amendment, and to submit a report thereon.

Mr. HALE. That is a very important bill, to which there is

no objection. I should like very much to have it passed now, in order that it may go to the House.

Mr. MORGAN. I think the bill ought to go on the Calendar, Mr. President.

The PRESIDENT pro tempore. The Senator from Alabama objects. The bill will be placed on the Calendar.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2429) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation, reported it with amendments, and submitted a report thereon.

He also, from the same committee, reported a joint resolution (S. R. 126) to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice of and the statutes relating to that court; which was read twice by its title, and referred to the Committee on Printing.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 339) for the relief of Noah Dillard, reported it with amendments, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2488) for the relief of P. S. Corbett, reported it with an amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 367) for the relief of Angus A. McPhee; and

A bill (S. 5272) for the relief of Darwin S. Hall.

Mr. PENROSE, from the Committee on Immigration, submitted a report to accompany the bill (H. R. 12199) to regulate the immigration of aliens into the United States, heretofore reported by him.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds, reported it without amendment.

He also, from the same committee, submitted a report to accompany the bill (S. 5422) authorizing the county of Maricopa, of the Territory of Arizona, to issue bonds for the construction of reservoirs and dams for water storage and other purposes, heretofore reported by him.

Mr. McCUMBER, from the Committee on Indian Affairs, to whom was referred the bill (S. 340) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians in the State of North Dakota, and to make appropriations for carrying the same into effect, reported it without amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 11656) to incorporate The Society of the Army of Santiago de Cuba, reported it without amendment.

MONUMENT TO PRISON-SHIP MARTYRS.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred the joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., to report it favorably with amendments, and I ask unanimous consent for its present consideration.

Mr. QUAY. I will not object to the consideration of the joint resolution if it is not likely to provoke debate. If it is, I shall be compelled to object. I desire to proceed with the regular order.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on the Library were, on page 1, line 6, before the word "monument," to strike out "said" and insert "a;" in line 7, after the words "New York," to insert "to the memory of the soldiers and sailors of the Colonial forces in the war of the Revolution who perished upon the English prison ships in New York Harbor;" and in line 10, at the beginning of the line, to strike out the words "as aforesaid," and insert "by the State of New York and municipality of New York;" so as to make the joint resolution read:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000 as a part contribution to the erection of a monument in Fort Greene Park, in the borough of Brooklyn, city and State of New York, to the memory of the soldiers and sailors of the colonial forces in the war of the Revolution who perished upon the English prison ships in New York Harbor: *Provided, however*, That said sum shall not be payable until there has been raised, by private subscription and by public appropriations by the State of New York and the municipality of New York, sums aggregating an additional \$100,000: *And provided further*, That said moneys shall not be paid for the erection of a monument, plans for which shall not have been approved by the Secretary of War of the United States and the governor of the State of New York and mayor of the city of New York; and the said moneys shall be expended under the joint supervision of the said Secretary and said governor and said mayor.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

MEMORIAL ADDRESS ON PRESIDENT MCKINLEY.

Mr. KEAN. From the joint special committee on memorial exercises in memory of the late President McKinley I report a joint resolution, and ask for its present consideration.

The joint resolution (S. R. 124) to provide for the printing of the memorial address on the life and character of William McKinley, late President of the United States, by the Hon. John Hay, before the two Houses of Congress, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed 100,000 copies of the memorial address on the life and character of William McKinley, late President of the United States, delivered by the Hon. John Hay before the two Houses of Congress, with the proceedings on that occasion, of which 33,000 copies shall be for the use of the Senate, 64,000 copies shall be for the use of the House of Representatives, 1,500 copies shall be for the use of the Department of State, 750 copies shall be for the use of Mrs. Ida S. McKinley, and 750 copies shall be for the use of the Hon. John Hay; and the Secretary of the Treasury be, and he is hereby, directed to have printed to accompany the same the memorial card prepared by the Bureau of Printing and Engraving.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONTGOMERY PATTON AND OTHERS.

Mr. WARREN, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the claims represented by the following bills, to wit: (S. 54) for the relief of Montgomery Patton; (S. 86) for the relief of J. Viosca; (S. 363) for the relief of John F. Kranz; (S. 1130) for the relief of the heirs of William H. DeGroot; (S. 1587) for the relief of the estate of William Crutchfield, deceased; (S. 1588) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Bvt. Capt. (Second Lieut.) James Davison, United States Army, retired; (S. 1813) for the relief of William H. Brown; (S. 2528) to confer jurisdiction upon the Court of Claims to adjudicate the claim of Augustine Meaher and Daniel J. McDonald as administrators of the estates of James M. and Timothy Meaher, and to remove the bar of the statute of limitations therefrom; (S. 2680) for the relief of the estate of Louis Friedman; (S. 2847) for the relief of John Schierling, administrator de bonis non of the estate of Gallus Kerchner, deceased; (S. 2949) for the relief of Jackson Foster; (S. 1853) for the relief of Elizabeth Thomas; (S. 3419) for the relief of customs inspectors; (S. 3511) for the relief of Wynona A. Dixon; (S. 3749) for the relief of Henry M. Smith; (S. 3925) for the relief of the Atlantic Works, of Boston, Mass.; (S. 3948) for the relief of the estate of E. R. Gordon, deceased; (S. 3807) for the relief of Mary F. B. Grice; (S. 4902) for the relief of John H. Baker; (S. 5222) for the relief of M. T. Swick; (S. 5322) for the relief of Mary A. Shaw; (S. 5947) for the relief of Elias J. Riley, administrator of John Riley, deceased; (S. 6140) for the relief of the heirs of William A. White, deceased; (S. 4317) for the relief of John M. Lea; (S. 4753) for the relief of Ellen O. Thomas, administratrix, and (S. 5126) for the relief of William O. Saville, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Also that the claims represented by the following bills, to wit: (S. 767) for the relief of the estate of Valerie Breaux, deceased; (S. 800) for the relief of Stephen E. Beauchamp; (S. 846) for the relief of the estate of William P. Williamson, deceased; (S. 3441) for the relief of Remy Bagary; (S. 4116) for the relief of estate of Nicholas White, deceased; (S. 4155) for the relief of the estate of Louisa Breaux, deceased; (S. 6181) for the relief of Matilda M. Fairex, administratrix of the estate of Daniel Fairex, deceased; (S. 1121) for the relief of the estate of Henry Von Balsan, deceased; (S. 1124) for the relief of Mrs. M. W. G. Smethurst, sole heir of Laura M. Gibbs, deceased; (S. 4691) for the relief of John I. Rowland; (S. 4695) for the relief of John Wilson; and (S. 5192) for the relief of the estates of John Nelson, deceased; A. J. Donelson, deceased; Sarah Donelson, deceased; and for the relief of the distributees and personal representatives of said decedents now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

LIEUT. JOSEPH M. SIMMS.

Mr. MARTIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3390) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

WILLIAM P. FRYE,
THOMAS S. MARTIN,
Managers on the part of the Senate.
WILLIAM P. HEPBURN,
J. S. SHERMAN,
W. C. ADAMSON,
Managers on the part of the House.

The report was agreed to.

NEW MEXICO, OKLAHOMA, AND ARIZONA.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. BEVERIDGE on the 25th instant, reported it without amendment; and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Territories be, and it hereby is, authorized to sit during the recess of the Senate, at such times and places as it may desire, for the purpose of considering bills for the admission of the Territories of New Mexico, Oklahoma, and Arizona to statehood, and to send for persons and papers, take testimony, and employ a stenographer, and that the expenses incurred shall be paid from the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. MILLARD introduced a bill (S. 6293) granting an increase of pension to David Whitney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 6294) granting an increase of pension to Peter O. Benham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6295) directing the Secretary of the Treasury to impose additional countervailing duties on foreign sugars to meet the so-called "cartel" bounties; which was read twice by its title, and referred to the Committee on Finance.

Mr. MASON introduced a bill (S. 6296) for the relief of William M. Loughlin; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 6297) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PENROSE introduced a bill (S. 6298) to amend section 2743 of the Revised Statutes of the United States concerning the examination of drugs; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 6299) granting an increase of pension to John M. Thomas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6300) granting an increase of pension to Brice S. Ramsey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6301) authorizing the transmission of postal money orders by wire; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT introduced a joint resolution (S. R. 125) providing for the appointment of a commission to report a plan for a memorial in honor of the heroes of the Revolutionary war; which was read twice by its title, and referred to the Committee on the Library.

PNEUMATIC TUBES IN THE DISTRICT OF COLUMBIA.

Mr. MASON. I introduce a joint resolution, and ask unanimous consent for its immediate consideration.

The joint resolution (S. R. 128) providing for the laying of pneumatic tubes in the District of Columbia was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That authority is hereby given to any person, persons, or corporation who may hereafter obtain a contract with the Government for supplying pneumatic-tube mail service to enter the Capitol and the grounds thereof with lines of pneumatic tubes, connecting the Capitol and the several departments of the Government, the Government Printing Office, and the city post-office and the postal stations.

The Commissioners of the District of Columbia are hereby authorized and directed to permit any person, persons, or corporation having a contract with the Government, as aforesaid, to open the streets or alleys necessary to lay such pneumatic tubes.

The right to lay said pneumatic tubes in the public reservations is hereby authorized under such regulations as may be prescribed by the Secretary of War.

Mr. ALDRICH. The joint resolution ought to go either to the Committee on the District of Columbia or the Committee on Public Buildings and Grounds.

Mr. MASON. It is in the exact language of a joint resolution sent by the Postmaster-General. I offered a resolution, which was referred to the Committee on Post-Offices and Post-Roads, and sent it to the Post-Office Department for the opinion of the Postmaster-General, and I have just introduced the joint resolution which was prepared by the Post-Office Department.

Mr. ALDRICH. I am not talking about the authorship of the joint resolution. It ought to be considered by some standing committee, and I ask that it be referred to the Committee on the District of Columbia.

Mr. MASON. I think if it is to be referred at all, it should go to the Committee on Post-Offices and Post-Roads, where the pneumatic-tube question has been considered.

Mr. ALDRICH. This is not a question of post-offices. The joint resolution ought to go either to the Committee on the District of Columbia or to the Committee on Public Buildings and Grounds, certainly to one or the other.

The PRESIDENT pro tempore. The Senator from Rhode Island objects to the present consideration of the joint resolution. What is the motion of the Senator?

Mr. ALDRICH. I ask that it be referred to the Committee on the District of Columbia. I think that is the proper committee.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the joint resolution be referred to the Committee on the District of Columbia.

Mr. MASON. I move to amend the motion by moving that it be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore. The motion is not amendable except to add instructions. The question is on the motion to refer the joint resolution to the Committee on the District of Columbia.

Mr. MASON. I want to have the yeas and nays taken on that question. The Committee on Post-Offices and Post-Roads had under consideration a resolution, and this is offered as a substitute for it. I see no specially good reason for taking it away from the Post-Office Committee. We have already passed a bill committing the Government to the use of the pneumatic-tube system and authorizing the Post-Office Department to make contracts for the District of Columbia. This matter has been to the Commissioners' office, as I understand it, and it has been to the Postmaster-General, and the Postmaster-General recommends this resolution. It is all to be under the direction of the Commissioners. It only authorizes them, provided the Postmaster-General requests it, to enter into contract, under such directions as the Secretary of War may prescribe. I can see no reason for referring it to either one of the committees named.

Mr. ALDRICH. The joint resolution proposes to authorize the introduction into the Capitol building and various other buildings in the District of Columbia of the pneumatic-tube service. It has nothing whatever to do with the Post-Office Department or the Post-Office Committee. We refer all questions relating to telegraphs, telephones, and all other public service within the District to the Committee on the District of Columbia, and it seems to me, without endeavoring to infringe upon the rights of the Post-Office Committee, that the joint resolution clearly ought to go to the Committee on the District of Columbia.

The PRESIDENT pro tempore. On the motion made by the Senator from Rhode Island the Senator from Illinois demands the yeas and nays.

Mr. MASON. Mr. President, one word. The only object in asking for the immediate consideration of the joint resolution is because the Postmaster-General is authorized now to make contracts for this service, and to send the matter to any other committee simply means that it will be delayed at least for another year, so far as Washington and the District of Columbia are concerned.

The PRESIDENT pro tempore. Is there a second to the demand for the yeas and nays?

The yeas and nays were not ordered.

Mr. MASON. I will withdraw the joint resolution.

Mr. ALDRICH. That can only be done by unanimous consent, but I will not object to the withdrawal.

The PRESIDENT pro tempore. No; the yeas and nays have not been ordered. The joint resolution can be withdrawn.

Mr. ALDRICH. I do not object to it.

The PRESIDENT pro tempore. The Senator from Illinois withdraws the joint resolution.

Mr. MASON subsequently introduced a joint resolution (S. R. 128) providing for the laying of pneumatic tubes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

PARK IMPROVEMENTS IN THE DISTRICT OF COLUMBIA.

Mr. CLAPP. I introduce a joint resolution and ask unanimous consent for its immediate consideration.

The joint resolution (S. R. 127) authorizing the loan of plans and drawings of park improvements of the District of Columbia was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Charles Zueblin, of Chicago, Ill., president of the American League for Civic Improvement, be, and he is hereby, authorized to remove from the Library of Congress such of the plans, drawings, and photographs prepared in connection with the improvement of the park system of the District of Columbia as may be specified by the Superintendent of the said Library, and to exhibit the same, under the auspices of the American League for Civic Improvement, at St. Paul, Minn., and other cities in the United States: Provided, That the said Charles Zueblin shall, before the removal of such plans, drawings, and photographs, enter into a

sufficient bond to insure the return of such plans, drawings, and photographs in good order: And provided further, That no expense shall be incurred by the Government under the operation of this resolution.

Mr. GALLINGER. Mr. President, manifestly the joint resolution ought to go to the Committee on the District of Columbia, and I move its reference to that committee.

Mr. CLAPP. I desire to call the attention of the Senator from New Hampshire to the fact that this has been submitted to the chairman of the Committee on the District of Columbia, and his letter is attached to the joint resolution, approving its passage. It has also been submitted to the chairman of the Committee on Public Buildings and Grounds. It is desirable, if possible, to have the joint resolution passed at this time.

Mr. GALLINGER. I will say in response to the Senator that if the chairman of the Committee on the District of Columbia has approved it that is satisfactory to me.

Mr. CLAPP. His letter is at the desk and can be read to the Senate.

Mr. GALLINGER. I withdraw my motion. The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. PLATT of Connecticut. Let the letter be read.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read as follows:

SENATE OF THE UNITED STATES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C., June 7, 1902.

MY DEAR SIR: Inclosed I return the papers which you handed to me in regard to the desire of the American League of Civic Improvement to exhibit the plans of the Park Commission at its annual convention in St. Paul during September next. In reply I would say that the plans belong to Congress, and it will require a special act in order to permit them to leave Washington. I inclose a draft of a joint resolution providing for such permission, and if you will secure its passage in the House I shall be pleased to look after it in the Senate.

Some time ago the Senate passed a concurrent resolution to provide for the publication of the report of the Commission for distribution by members of Congress, but thus far the House has not acted upon it.

Very truly yours,

JAMES McMILLAN.

Hon. F. C. STEVENS,
House of Representatives.

Mr. PLATT of Connecticut. I wish that the joint resolution might be read again. I think perhaps it was not understood.

The joint resolution was again read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. GALLINGER. I wish to ask the Senator from Minnesota a single question. I notice that this gentleman, whoever he is, wants to exhibit this plan in St. Paul and other cities of the United States. What is his purpose? Is it for gain?

Mr. CLAPP. No; it is so that the people of this country who can not come to Washington may have some idea of the proposed plan of improvement of this city.

Mr. GALLINGER. It is purely educational?

Mr. CLAPP. It is purely educational. I have no objection to inserting the words "the city of New York and other cities." I simply named one city.

Mr. GALLINGER. That is all right. I have no objection to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. MONEY. I ask that it may be again read.

The joint resolution was again read.

Mr. MONEY. I wish to ask if it was reported from the Committee on the Library?

The PRESIDENT pro tempore. The Senator from Mississippi inquires of the Senator from Minnesota whether the joint resolution is reported from any committee.

Mr. CLAPP. No, sir; the joint resolution was drawn by the chairman of the Committee on the District of Columbia. I did not think that it was necessary to have it referred to his committee.

Mr. MONEY. It seems to me that a joint resolution like this ought to go to the Committee on the Library.

Mr. CLAPP. Mr. President, I just want to say this about the joint resolution. There is a plan to improve the city of Washington. It is going to be a large and comprehensive plan; it is going to entail a large expense, and I think the people of this country ought to have an opportunity to see it so that they will appreciate what is being done under the plan. By presenting it under the auspices of the American League for Civic Improvement in the different cities it will give thousands an opportunity to understand and to appreciate what we are doing who never by any other means will know anything about it. I have no particular interest in the matter.

Mr. MONEY. I might agree probably with the Senator in his statement of the good to come from this action; but I think it probably ought to be considered by the committee which peculiarly has charge of these very matters.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. TELLER. Mr. President, I should like to inquire whether this plan for the improvement of the city has ever been accepted by Congress?

Mr. HALE. I will answer the Senator, if he will allow me?

Mr. TELLER. Very well. I yield to the Senator from Maine.

Mr. HALE. I desire to protest against an inference that may be drawn from what the Senator from Minnesota has said, that here is a plan already embarked upon for an immense improvement, a park system and other expensive features in the District of Columbia. Nothing of that kind has been adopted or entered upon. The Senator says the people of the United States ought to be educated as to what we are doing. We are doing nothing whatever about this great scheme with reference to Washington. The whole matter fell absolutely dead the moment Senators and Representatives began to examine it. No committee has sought to urge it upon Congress. It is purely in the brain of the architect who has designed an immense scheme of improvement that suits him.

Mr. GALLINGER. Will the Senator permit me?

Mr. HALE. Certainly.

Mr. GALLINGER. The Senator, of course, does not want to do injustice to the Committee on the District of Columbia. I wish to say to the Senator that the committee never had any idea that Congress would adopt this plan. It never suggested that Congress should adopt this plan.

Mr. HALE. I so understand.

Mr. GALLINGER. The plan was formulated by a very distinguished commission with the idea that it might serve as a suggestion in the matter of future appropriations for the District of Columbia, and that was the sole purpose.

Mr. HALE. I so understand it, and in what I said I embraced not only the Committee on the District of Columbia as not having sought to force the plan matters upon Congress, but no other committee. That committee has been extremely wise about it. It called a halt when it saw the magnificence of the scheme. It is a scheme which, as I have said, would never have been evoked from any source but the brain of the architect.

Mr. GALLINGER. If the Senator will permit me a single word, the Senator says the committee called a halt. The committee did not call a halt. The committee perfectly understood that Congress could not adopt a plan of this kind.

Mr. HALE. But I understand the committee was asked and declined. That is what I mean by the use of my metaphor that the committee called a halt. The committee did.

Mr. GALLINGER. I think the committee never was asked to do it, Mr. President. Of course, these distinguished architects would like to have their plan followed in the matter of future appropriations, but they did not suggest to the committee, certainly at no meeting when I was present, that we should recommend it to Congress. It was merely a suggestive plan.

Mr. HALE. I want that understood. When this exploiting scheme, when this large assortment of drafts and plans of a scheme is started on its tour around the country as a matter of exhibition, and people are asked to come and pay so much to see it, I do not want it to be understood by them, nor to have the press anywhere assume that it is, to use the language of the Senator from Minnesota, what we are doing, because we have done nothing of the kind.

Mr. GALLINGER. I think that is wise.

Mr. HALE. I am very much in favor of almost everything that comes up for the improvement of this most important and most delightful national city, but I am not in favor of this scheme, which would cost in the end no man can tell what amount—some hundreds of millions of dollars. I believe that Congress can be left to do its own work in that regard from year to year. There will no year pass, Mr. President, that some scheme for the improvement and beautifying of this city will not be taken up and passed. It will not be done all at once. It will not be done at the command or even at the suggestion of any architect who wants to embrace the whole thing in one plan.

I am in favor, from year to year, of the erection of great buildings, the improvement of the roadways, the opening of parks, and all of the things that go to make this city what it will be in thirty years from now—the finest winter residence in all the world; but I protest against anything that we do here to-day being considered here or elsewhere as committing the Congress to this vague, vast, and extraordinary scheme.

The Senator from Connecticut [Mr. PLATT] suggests to me that the object is to stir up sentiment throughout the country in favor of the scheme. If that is the purpose then, Mr. President, I object.

The PRESIDENT pro tempore. Objection is made. What does the Senator from Minnesota desire to have done with the joint resolution, objection having been made to its present consideration?

Mr. PLATT of Connecticut. It lies over.

Mr. ALDRICH. It will lie over until to-morrow.

Mr. CLAPP. I do not understand that objection has been made. It was a mere suggestion that if a certain thing is to result from this matter, objection is made.

Mr. HALE. It had better go over until to-morrow.

The PRESIDENT pro tempore. The joint resolution will lie on the table.

Mr. HALE subsequently said: I ask that Senate joint resolution 127, to which I objected a few moments ago, may be laid before the Senate. I have an amendment to suggest that will be entirely satisfactory to the Senator from Minnesota [Mr. CLAPP], who introduced the joint resolution.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution referred to by the Senator from Maine, the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 127) authorizing the loan of plans and drawings of park improvements of the District of Columbia.

Mr. HALE. I do not ask for the entire reading of the joint resolution, as it has been read so many times, but I should like to have that part read referring to the places where these plans and drawings are to be exhibited.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

At St. Paul, Minn., and other cities in the United States.

Mr. HALE. I move to strike out the words "and other cities in the United States." If that amendment be adopted, I shall not object to the joint resolution.

The PRESIDENT pro tempore. Is their objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Maine [Mr. HALE] will be stated.

The SECRETARY. After the words "St. Paul, Minn.," it is proposed to strike out "and other cities in the United States."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

COMPILATION ON INDIAN AFFAIRS.

On motion of Mr. STEWART, it was

Ordered, That the compilation prepared under the direction of the Committee on Indian Affairs by authority of the resolution of the Senate of May 20, 1902, being the compilation of all treaties, laws, and Executive orders in force relating to Indian affairs, be printed.

POST-CHECK SYSTEM.

Mr. MASON submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Printing:

Resolved by the Senate, That there be printed, as a document, 1,000 copies of the proceedings and conclusions of the committee appointed by the Secretary of the Treasury and the Postmaster-General to consider the advisability of adopting the "post check;" also the supplemental report of the committee appointed by the Postmaster-General to examine into the merits of the "post-check" system, said document to also include a letter addressed to the chairman of the Committee on Post-Offices and Post-Roads in the Senate, under date of June 19, 1902, by the Postmaster-General, and a letter addressed to the chairman of the Committee on Post-Offices and Post-Roads in the Senate, under date of June 7, 1902, by the Secretary of the Treasury, having reference to Senate bills Nos. 5201 and 4557, providing for a safe and convenient method of sending money in small amounts by mail and to increase the postal revenues, the bills being similar to House bill No. 12799, for the use of the Committee on Post-Offices and Post-Roads in the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement; and

A bill (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township.

The bill (H. R. 13674) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States relative to internal-revenue tax on fermented liquors was read twice by its title and referred to the Committee on Finance.

The bill (H. R. 15140) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year, was read twice by its title and referred to the Committee on the Judiciary.

WILLIAM VICTOR TOMB.

Mr. BLACKBURN. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 123) for the relief of Naval Cadet William Victor Tomb, United States Navy, to report it without amendment and to submit a report thereon. I ask that it may be read, and then I request its present consideration.

The Secretary read the joint resolution, as follows:

Whereas William Victor Tomb, naval cadet, United States Navy, has been found upon examination to be physically disqualified for promotion to the grade of ensign in the Navy on account of disability incurred in the line of duty: Therefore,

Resolved, etc., That the President be, and he is hereby, authorized to promote the said Tomb to the grade of ensign in the Navy.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. PLATT of Connecticut. I do not make any objection, but I want some explanation other than appears in the joint resolution itself.

Mr. BLACKBURN. I shall be glad to make it. This cadet served his academic term of four years in the Academy at Annapolis creditably. Then the two years of sea service remaining under the law was given by him in the Philippines, where his present physical disability was incurred. There is no way of retiring a cadet. Hence the Navy Department indorse this joint resolution, and the indorsement of the Secretary of the Navy is attached to the report.

This is to give to this cadet his commission as an ensign now. That is the whole scope of the joint resolution. The cadet failed in nothing except his physical examination when called up here for promotion, and that failure is directly resulting from disability incurred in the line of duty in the Philippines.

Mr. PLATT of Connecticut. Is that physical disability one which is to be permanent, so that we are to put into the Navy a person as an officer who is permanently disqualified?

Mr. BLACKBURN. We can not tell, Mr. President; but we are not willing to drop him now and assume that his disability is permanent. The Secretary of the Navy says that he favors the passage of this joint resolution, giving the young man an opportunity of rebuilding his health; and if that shall result, then he stands without prejudice resulting from this disability incurred in the line of duty. If his health should not be restored, then he is in a position to be retired; but this is the only way in which he can ever get onto the retired list, because there is no way provided by law for the retirement of a cadet. He is a cadet; and the purpose of this joint resolution is to make him an ensign. If his health shall prove to be permanently impaired, then he may be put upon the retired list.

The joint resolution which I have reported has the unanimous indorsement of the Committee on Naval Affairs and the unqualified indorsement of the Secretary of the Navy.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

CONFIRMATION OF TITLE TO LAND IN SOUTH DAKOTA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State; which was in line 8, after the word "imposed," to insert "the proceeds thereof, if sold, to be used in aid of the militia of the State of South Dakota."

Mr. KITTREDGE. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 4611) to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River in the State of Pennsylvania.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other

purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COOPER of Wisconsin, Mr. PAYNE, Mr. CRUMPACKER, Mr. JONES of Virginia, and Mr. MADDOX managers at the conference on the part of the House.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 1225) granting an increase of pension to Clara W. McNair;

A bill (S. 3320) granting an increase of pension to Adelaide G. Hatch;

A bill (S. 5506) granting an increase of pension to Clayton P. Van Houten; and

A bill (S. 5856) granting an increase of pension to Elizabeth A. Turner.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the amendments of the Senate to the general deficiency appropriation bill.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

CLARA W. McNAIR.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1225) granting an increase of pension to Clara W. McNair, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

J. H. GALLINGER,
WM. J. DEBOE,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
J. H. BROMWELL,
Managers on the part of the House.

The report was agreed to.

ELIZABETH A. TURNER.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5856), "An act granting an increase of pension to Elizabeth A. Turner," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

J. H. GALLINGER,
J. C. PRITCHARD,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
J. H. BROMWELL,
Managers on the part of the House.

The report was agreed to.

ADELAIDE G. HATCH.

Mr. DEBOE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

WM. J. DEBOE,
J. B. BURTON,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
J. H. BROMWELL,
Managers on the part of the House.

The report was agreed to.

CLAYTON P. VAN HOUTEN.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment, and agree to an amendment as follows: After the word "receiving," in line 3, add the following: "Provided, That at the expiration of two years after the passage of this act, if the said Clayton P. Van Houten be then living, a medical examination shall be ordered, and the rate of pension allowed by this act shall be subject to change to accord with the degree of disability then existing;" and the Senate agree to the same.

P. J. McCUMBER,
N. B. SCOTT,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

EXECUTIVE SESSION.

Mr. PLATT of Connecticut. I move that the Senate proceed to the consideration of executive business. I wish to say that it is merely for the purpose of taking an order which it is important should be taken at this time. I do not think that we need to have an executive session of more than two or three minutes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Connecticut.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened.

RUSSIA'S ATTITUDE TOWARD AMERICAN CITIZENS.

Mr. PETTUS. I offer a resolution which I ask may be now considered.

The PRESIDENT pro tempore. The Senator from Alabama submits a resolution for which he asks present consideration. The resolution will be read.

The Secretary read as follows:

Whereas it is asserted that American citizens, holding American passports, have been, and are, excluded by the Russian Empire from its territory, solely because of their religious belief, contrary to treaty stipulations: Therefore, Resolved, That the President of the United States is requested, if not incompatible with the public interest, to inform the Senate as to the attitude of the Russian Government toward American citizens attempting to enter its territory with American passports.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BEVERIDGE. I do not see any member of the Committee on Foreign Relations present, and I think in their absence—

Mr. BACON rose.

Mr. BEVERIDGE. I beg pardon. I was going to say that I thought the resolution ought to go over in the absence of any member of the Committee on Foreign Relations.

Mr. BACON. There are several present.

Mr. QUAY. I will not object to the resolution with the understanding that it will not provoke debate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. SPOONER. I ask that it be again read.

The Secretary again read the resolution.

Mr. SPOONER. The word "interest" should be inserted in place of the word "service;" so as to read, "not incompatible with the public interest." With that change I have no objection to the resolution.

The PRESIDENT pro tempore. The resolution will be modified as suggested, if there is no objection. The Chair hears none.

Mr. BACON. There is the assertion of a fact in the resolution about which I should like to have some information before we vote.

Mr. ALDRICH. I was about to make that suggestion.

Mr. BACON. It is asserted that a certain thing has been done. I should like to know whether Senators have information that there has been such an assertion upon reliable authority. I do not mean to ask whether or not it is a fact.

Mr. PETTUS. I have information directly from persons who assert that they know that it has been done and is now being done; but I do not know anything about the facts, and I do not assert any fact.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

PANAMA CANAL COMPANY.

Mr. MORGAN. I submit a resolution, and ask for its present consideration.

The PRESIDENT pro tempore. The Senator from Alabama submits a resolution, and asks for its present consideration. The resolution will be read.

The Secretary read as follows:

Resolved by the Senate, That under the authority and powers conferred upon the Committee on Inter-oceanic Canals it is referred to said committee to investigate and report whether any claims exist in favor of citizens of the United States who are bondholders, shareholders, or creditors of the New Panama Canal Company, or the former Panama Canal Company, and to this end the chairman of said committee is authorized, in addition to the other powers conferred upon the committee, to publish a request that the holders of such bonds, stocks, or demands will present statements of their claims to the committee.

And it is also referred to said committee to ascertain and report to the Senate whether any unlawful or corrupt efforts, practices, or combinations exist on the part of any persons or corporations to obtain any part of the sum that may be applied to the purchase of the property belonging to the New Panama Canal Company by the United States under the authority of any act of Congress.

Mr. HANNA. Mr. President, is the resolution offered for consideration at this time?

The PRESIDENT pro tempore. It is.

Mr. MORGAN. Yes.

Mr. HANNA. I hope the resolution will not be passed.

The PRESIDENT pro tempore. Objection is made, and the resolution will go over.

Mr. HANNA. I am willing to settle it now. I do not see the object of the scope of the resolution as affecting—

Mr. QUAY. Will the Senator from Ohio permit an interruption?

Mr. HANNA. Certainly.

Mr. QUAY. I observe that the resolution is liable to provoke discussion, and I object to its consideration, as I am very anxious to reach the Indian bill.

The PRESIDENT pro tempore. The resolution will go over under the rule.

SAFETY APPLIANCES ON RAILROADS.

Mr. FORAKER. If the Senator from Pennsylvania will yield, I should like to call up the motion to reconsider the vote by which Senate bill 3560 was passed a few days ago. It will take only a moment to dispose of the matter.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives, returning to the Senate, in compliance with its request, the bill (S. 3560) to amend an act entitled "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

The question is on agreeing to the motion to reconsider the vote by which the bill was passed.

Mr. FORAKER. I do not resist the motion to reconsider, because it is only that the bill may be amended by the insertion of a line which has been agreed upon.

The PRESIDENT pro tempore. Is there objection to the reconsideration of the vote by which the bill was passed? The Chair hears none. The bill is before the Senate, and the vote by which it was ordered to be engrossed and read a third time will also be reconsidered if there is no objection. The Chair hears none.

Mr. FORAKER. I move to amend the bill by adding at the end of section 3 the following:

And the provisions of section 7 of the said act of March 2, 1893, shall apply to all the requirements of this act.

Mr. SPOONER. As I understand it, that leaves the date fixed the 1st of next January.

Mr. FORAKER. Yes.

Mr. SPOONER. Subject to extension by the Interstate Commerce Commission upon a proper showing?

Mr. FORAKER. The date remains as fixed in the bill as passed by the Senate, but under this amendment the railroads will have a right to appeal to the Interstate Commerce Commission for an extension of the time.

Mr. ALDRICH. That is satisfactory to me.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDERS OF GOVERNOR-GENERAL OF CUBA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. MONEY on the 25th instant, as follows:

Resolved by the Senate, That the honorable Secretary of War be, and is hereby, directed to furnish to the Senate at his earliest convenience copies of all orders, general and special, issued by the Governor-General of Cuba from date of the beginning of his administration up to May 20, 1902.

Mr. SPOONER. The chairman of the committee is not in the—

Senate Chamber, nor is the mover of the resolution. I think perhaps it might go over to a later period in the afternoon without losing its place.

Mr. QUAY. I hope that will be done.

The PRESIDENT pro tempore. Is there objection to the resolution going over, retaining its place on the table?

Mr. BATE. I ask that it retain its place, in the absence of the Senator from Mississippi.

Mr. SPOONER. I asked that when I made the suggestion.

The PRESIDENT pro tempore. The Chair hears no objection, and it will retain its place on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14019) "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 21, 22, 23, 24, 25, 26, 28, 37, 39, 41, 42, 49, 55, 57, 58, 59, 61, 64, 65, 67, 68, 69, 70, 74, 75, 86, 89, 90, 93, 101, 102, 104, 106, 109, 111, 112, 115, 116, 117, 118, 119, 120, 121, 122, 123, 129, 130, 131, 132, 133, 136, 137, 138, 139, 143, 145, 147, 151, 152, 153, 163, 164, 165, 166, 167, 168, 169, 175, 176, 177, 184, 190, 195, 196, 201, 206, 207, 208, 210, 211, 212, 213, 214, 215, 216, 217, 218, 223, and 229.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 27, 31, 33, 34, 38, 40, 43, 44, 45, 47, 48, 50, 52, 53, 54, 55, 60, 62, 63, 66, 71, 72, 73, 76, 77, 79, 80, 82, 83, 84, 85, 88, 91, 92, 94, 95, 97, 98, 99, 100, 108, 105, 113, 114, 122, 123, 124, 125, 140, 141, 142, 144, 143, 149, 150, 154, 155, 156, 160, 171, 178, 179, 181, 182, 185, 186, 187, 188, 189, 197, 198, 199, 200, 202, 203, 204, 205, 219, 220, 221, 222, 223, 224, 225, and 227, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$69,224;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 1 of said amendment after the word "that" insert "hereafter;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment down to and including the word "aforesaid," in line 16 thereof, and insert in lieu thereof the following: "Provided, That hereafter when differences arise in the examination of the accounts of the disbursing officer of the District of Columbia, calling for the suspension of any item in said accounts, it shall be the duty of the auditor for the State and other Departments, who settles said accounts, to notify the auditor of the District of Columbia, in connection with the disbursing officer of the District of Columbia, of the grounds of such objections resulting in said suspensions, in order that said auditor, in connection with said disbursing officer, may by explanation, if possible, remove said grounds of suspension;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,600;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$13,000;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$17,800;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: On page 12 of the bill, in line 18, before the word "fuel," insert the word "rent;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and insert in lieu thereof the following: "Except as provided for in the appropriation for contingent and miscellaneous expenses;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$145,000;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lines 12, 13, and 14 of the matter inserted by said amendment strike out the following: "and an additional sum of \$25,000 is appropriated from the revenues of the District of Columbia for the same purpose;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$151,300;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: After the word "dollars," at the end of the last line of the matter inserted by said amendment, insert the following:

"And the Secretary of War is authorized to enter into a contract or contracts for the construction of said bridge within the said limit of cost. The cost of maintaining in good condition the asphalt paving between the street railway tracks and 2 feet outside thereof on said bridge shall be paid by the street railway company or companies using the same under such regulations as the Commissioners of the District of Columbia shall prescribe: *Provided*, That all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge upon terms mutually agreed upon with the Washington, Alexandria and Mount Vernon Railway Company, or in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearing to the interested parties and to fix the terms of joint trackage."

And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with amendments as follows: In lieu of the sum named in said amendment insert "\$50,000," and after the word "dollars," at the end of line 2 of the matter in-

serted by said amendment, insert the following: "and the Commissioners of the District of Columbia are authorized to enter into a contract or contracts for the construction of said sewer in part at a cost not to exceed \$250,000;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$14,000;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "And provided further, That during the fiscal year 1903 the illuminating power of the gas furnished by any gaslighting company, person, or persons in the District of Columbia shall be equal to 22 candles, notwithstanding the requirements as to candle power prescribed by section 3 of the act regulating the sale of gas in the District of Columbia, approved June 6, 1898;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$76,000;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, after the word "authorized," insert the following: "under conditions and regulations to be prescribed by them;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and one head of department of English in Manual Training School No. 1, six in all;" and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the number proposed insert: "ninety-eight;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$918,175;" and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three hundred and fifty;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two hundred and forty;" and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$713,200;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: Insert as a separate paragraph after the matter inserted by said amendment the following:

"For rent of building to be occupied temporarily during construction of the new fifth precinct station, \$600."

And the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$79,785;" and the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,500;" and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,500;" and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$380;" and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$65,860;" and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$43,750;" and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,800;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$48,600;" and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$1,000;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$900;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$21,740;" and the Senate agree to the same.

Amendment numbered 209: That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,475;" and the Senate agree to the same.

Amendment numbered 228: That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out the word "third" and insert in lieu thereof the word "first;" and the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with

amendments as follows: Restore the matter proposed to be stricken out by said amendment, amended as follows:

After the word "district," in the last line, insert the words "except as otherwise provided herein;" and after the word "reimbursed," in the last line of the matter inserted by said amendment, insert the words "which reimbursement shall be made within three years from said last-named date."

In line 1 of the matter inserted by said amendment strike out the words "SEC. 2" and insert in lieu thereof the words "SEC. 3."

And on page 60, in line 11 of the bill, strike out the words "SEC. 3" and insert in lieu thereof the words "SEC. 4."

And the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"TAXATION OF REAL ESTATE.

"SEC. 5. That hereafter all real estate in the District of Columbia subject to taxation, including improvements thereon, shall be assessed at not less than two-thirds of the true value thereof, and shall be taxed 1½ per cent upon the assessed valuation thereof, and whenever a subdivision of any portion of said real estate is made and recorded with the surveyor of the said District, the board of assistant assessors of said District are hereby authorized and directed to reassess said property so subdivided, and the tax on said reassessment shall be due and payable at the semiannual payment of taxes next following said reassessment.

"That hereafter property used for educational purposes that is not used for private gain shall be exempt from taxation, and all other property used for educational purposes shall be assessed and taxed as other property is assessed and taxed.

"In all cases where the assessments for benefits for street extensions have been or may hereafter be levied, payment of the same shall be made in five equal annual installments with interest at the rate of 4 per cent per annum from and after sixty days after the confirmation of the verdict and award: *Provided*, That the amount of any payment of any installment or installments heretofore made on account of any such assessment shall be credited thereon, and the balance shall be due and payable as if such assessment had been originally payable in the installments and with the interest as herein provided.

"In all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment."

And the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"TAXATION OF PERSONAL PROPERTY.

"SEC. 6. That in order to provide revenues to meet the appropriations made by this act and appropriations to be hereafter made to provide for the expenses of the government of the District of Columbia, it is further enacted: That the act of Congress entitled 'An act to provide an immediate revision and equalization of real estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes,' approved August 14, 1894, is hereby amended to take effect from and after July 1, 1902, as follows: Section 2, line 2, strike out the word 'three' and insert in lieu thereof the word 'five'; section 2, line 5, after the words 'assistant assessors, who,' strike out the words 'shall hold office for a term of four years, unless sooner removed by said Commissioners for cause satisfactory to them and;' section 2, line 9, after the words 'per annum,' insert the following: 'The assessor of the District of Columbia and the members of said permanent board of assistant assessors shall not be removed except for inefficiency, neglect of duty, or malfeasance in office.'

"That the assessor of the District of Columbia shall designate 3 of the members of said permanent board of assistant assessors for the assessment of real estate, who shall constitute and compose the excise board, under the provisions of the act of Congress approved August 14, 1894, aforesaid; and the 2 other members of said permanent board of assistant assessors shall be designated by said assessor to compose a board of personal-tax appraisers, to assess personal property in accordance with the provisions of this section; and all 5 members of said permanent board of assistant assessors, together with the assessor as chairman, shall constitute the board of equalization and review of real-estate assessments and also the board of personal-tax appeals: *Provided*, That the assessor of the District of Columbia shall act as chairman, ex officio, of the several boards aforesaid.

"That the 2 members of the permanent board of assistant assessors designated, as aforesaid, by the assessor to assess personal property shall, under the direction and supervision of the said assessor, assess personal property in the District of Columbia as follows:

"That hereafter the assessor of the District of Columbia, or his successor in office, shall annually cause to be prepared a printed blank schedule of all tangible personal property and all general merchandise or stock in trade, owned or held in trust or otherwise, subject to taxation under the provisions of this section, and of the classes of corporations and companies to be assessed, together with the rate of tax prescribed, to which shall be appended an affidavit in blank, setting forth that the foregoing presents a full and true statement of all such personal property, taxable capital, or other basis of assessment, or either, as the case may be. When said schedule is ready for delivery, notice thereof shall be given by the assessor by advertisement for three successive secular days in one or more of the daily newspapers published in said District, and a copy of said schedule shall be delivered to any citizen applying therefor at the office of the assessor. Every person, association, corporation, firm, or company in said District liable to taxation hereunder, and every association, company, executor, administrator, guardian, or trustee holding personal property in trust liable to taxation hereunder, shall, within thirty days after the last publication of said advertisement, as aforesaid, fill out the proper blanks in said schedule with a full and true statement, as in this section hereinbefore required, and make and sign an affidavit to the truth thereof, as aforesaid, before the assessor or one of the other members of the said board of personal-tax appraisers, and the members of the said board are hereby authorized to administer such and all oaths in connection with their duties as assessor and appraisers without charge, or before any person authorized by law to administer oaths; and the address in the District of Columbia of the person, corporation, or company making affidavit shall in each case be given below his, its, or their signature, and thereupon said board of personal-tax appraisers, or any one of the members thereof, shall assess said property at its fair cash value, and enter the same in the columns upon said blanks provided for that purpose, and the amount thus ascertained shall be entered upon the books for taxation for the fiscal year beginning July 1, 1902, and each fiscal year thereafter: *Provided*, That if any person, firm, association, corporation, company, administrator,

executor, guardian, or trustee shall fail to make and deliver to the assessor or one of the said appraisers, within thirty days after the date of the last advertisement of the notice hereinbefore required, the schedule of his or its said personal property, owned, held in trust, or otherwise, as provided for in this section, then the said board of personal-tax appraisers hereinbefore provided for shall without delay, from the best information they can procure, make an assessment against such person, firm, association, corporation, company, administrator, executor, guardian, or trustee, to which they shall add 20 per cent thereof: *Provided further*, That if the said board of personal-tax appraisers be not satisfied as to the correctness of the return of personal property made by any person, firm, association, corporation, company, administrator, executor, guardian, or trustee, said board may reject said return, and said board, or any one of the members thereof, may, from the best information he or they can procure, or by making such an examination of the personal property as may be practicable, assess the same in such amount as may to him or them seem just; and notice of the rejection of the sworn return shall be given to the party interested by leaving the same at the address given in said return, and in all such cases there shall be a right of appeal from the action taken by said appraisers to the board of personal-tax appeals, herein after provided for, or to their successors in office, within fifteen days after delivery of said notice of rejection as aforesaid: *And provided further*, That if any person, firm, association, corporation, company, administrator, executor, guardian, or trustee shall make a false affidavit touching the matters herein provided for, he or they shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties for that offense now provided by section 858 of the Code of the District of Columbia.

"PAR. 2. On all tangible personal property, assessed at a fair cash value (over and above the exemptions provided in this section), including vessels, ships, boats, tools, implements, horses, and other animals, carriages, wagons, and other vehicles, there shall be paid to the collector of taxes of the District of Columbia 1½ per centum on the assessed value thereof.

"PAR. 3. Dealers in general merchandise of every description shall pay to the collector of taxes of the District of Columbia 1½ per centum on the average stock in trade for the preceding year.

"After the passage of this act it shall be unlawful for any person or persons entering the District of Columbia subsequent to June 30 in each year, and establishing a place of business for the sale of goods, wares, or merchandise, either at private sale or at auction, to conduct such business until a sworn statement of the value of said stock has been filed with the assessor of the District of Columbia, who shall thereupon render a bill for the unpaid portion of the fiscal year at the same rate as other personal taxes are levied. The assessor is hereby authorized to reassess said stock whenever in his judgment it has been undervalued. The goods, wares, and merchandise of any person or persons who shall fail to pay the tax required by this paragraph within three days after beginning business shall be subject to distraint, and it shall be the duty of the assessor to place bills therefor in the hands of the collector of taxes, who shall seize sufficient of the goods of the delinquent to satisfy said tax: *Provided*, That said owner shall have the right of redemption within thirty days on payment of said tax, to which shall be added a penalty of 1 per centum, together with the costs of seizure. The collector shall sell such goods as are not redeemed, at public auction, after advertisement for the three days preceding said sale.

"PAR. 4. Hotel companies and the proprietors of hotels shall pay to the collector of taxes of the District of Columbia 1½ per cent on the assessed value of their furniture.

"PAR. 5. Each national bank, as the trustee for its stockholders, through its president or cashier, and all other incorporated banks and trust companies in the District of Columbia, through their presidents or cashiers, and all gas, electric-lighting, and telephone companies, through their proper officers, shall make affidavit to the board of personal-tax appraisers on or before the first day of August of each year as to the amount of its or their gross earnings for the preceding year ending the 30th day of June, and shall pay to the collector of taxes of the District of Columbia per annum on such gross earnings as follows: Each national bank and all other incorporated banks and trust companies, respectively, 6 per cent; each gas company, 5 per cent; each electric-lighting and telephone company, 4 per cent. And in addition thereto the real estate owned by each national or other incorporated bank, and each trust, gas, electric-lighting, and telephone company in the District of Columbia shall be taxed as other real estate in said District: *Provided*, That street railroad companies shall continue to pay the 4 per cent per annum on their gross receipts and other taxes as provided by existing law, and insurance companies shall continue to pay the 1½ per cent on premium receipts, as provided by section 650 of the Code of the District of Columbia.

"That so much of the act approved October 1, 1890, entitled 'An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia,' as is inconsistent with the provisions of this section is hereby repealed.

"PAR. 6. All companies who guarantee the fidelity of any individual or individuals, such as bonding companies, shall pay to the collector of taxes of the District of Columbia 1½ per cent of their gross receipts in the District of Columbia.

"PAR. 7. Savings banks having no capital stock and paying interest to their depositors shall, through their president or cashier, make affidavit to the board of personal-tax appraisers on or before the 1st day of August in each year as to the amount of their surplus and undivided profits, and shall pay to the collector of taxes of the District of Columbia a sum equal to 1½ per cent on the amount of their surplus and undivided profits on the 30th day of June preceding.

"PAR. 8. The capital stock of all corporations, other than those herein provided for, organized in the District of Columbia or under the laws of any of the States or Territories of the United States chiefly for the purpose of and transacting business within the District of Columbia, except those exempted by the laws relating to the District of Columbia, shall be appraised in bulk at its fair cash value by the board of personal-tax appraisers, and the corporation issuing the same shall be liable for the tax thereon according to such value, and shall pay to the collector of taxes of the District of Columbia a sum equal to 1½ per cent on the assessed valuation thereof; but from the assessed valuation of such capital stock shall first be deducted the value of any and all real estate owned by such corporation in said District, which real estate shall be separately taxed against said corporation: *Provided*, That nothing in this act contained shall be construed to include newspaper, real estate, and mercantile companies, which by reason of incorporation receive no special franchise or privilege; but all such corporations shall be rated, assessed, and taxed as individuals conducting business in similar lines are rated, assessed, and taxed.

"PAR. 9. Building associations shall pay to the collector of taxes of the District of Columbia 4 per cent per annum on their gross earnings for the preceding year ending June 30.

"PAR. 10. The following personal property shall be exempt from taxation: "First. The personal property of all library, benevolent, charitable, and scientific institutions incorporated under the laws of the United States or of the District of Columbia and not conducted for private gain.

"Second. Libraries, schoolbooks, wearing apparel, articles of personal adornment, all family portraits, and heirlooms.

"Third. Household and other belongings, not held for sale, to the value of \$1,000, owned by the occupant of any dwelling house or other place of abode, in which such household and other belongings may be located.

"PAR. 11. That said board of assistant assessors hereinbefore provided for, with the assessor of the District of Columbia as chairman, shall compose a board of personal-tax appeals, and as such board of personal-tax appeals shall convene in a room, to be provided therefor by the said assessor, on the 15th day of November in each year, and public notice of the time and place of such meeting shall be given by advertisement for two consecutive secular days in two daily newspapers published in the District of Columbia. It shall be the duty of the board of personal-tax appeals, between the date of convening and December 15th of each year, to hear all appeals made by any person or persons against the assessments made by the board of personal-tax appraisers and to impartially equalize the value of said personal property as a basis for assessment. Any four members of the said board shall constitute a quorum for business, and in the absence of the assessor a temporary chairman shall be selected. They shall be empowered to diminish or increase such assessments as they may believe to have been returned at other than their true value to such amount as, in their opinion, may be the value thereof, and the action of said board in such cases shall be final. Said board of assistant assessors shall also perform such other official duties as may be required of them by the assessor of the District of Columbia: *Provided*, That in case the personal-tax appraisers shall fail to complete any of the duties in this section to be by them performed within the time provided therefor the taxation provided by this section shall not by reason thereof be invalid; but such appraisers shall proceed with all reasonable diligence to complete such duties, and their acts shall be valid as if performed within the time fixed therefor. If, at any time within any current year, property subject to taxation under the provisions of this section shall have been omitted from assessment, said board of personal-tax appraisers shall immediately proceed to assess the same for the then current year, giving notice in writing to the persons or corporations so assessed, who shall have a right of appeal within ten days from date of said notice.

"PAR. 12. That when the taxes on personal property due and payable in each year shall not be paid on or before the 1st day of June, then and in that event the collector of taxes of the District of Columbia, or his deputy, may distrain sufficient goods and chattels found within the District of Columbia and belonging to the person, firm, association, corporation, company, administrator, executor, guardian, or trustee charged with such tax to pay the taxes remaining due, under the provisions of this law, from such person, firm, association, corporation, company, administrator, executor, guardian, or trustee, together with the penalty thereon and the costs that may accrue; and for want of such goods and chattels said collector of taxes may levy upon and sell at auction the estate and interest of such person, firm, association, corporation, company, administrator, executor, guardian, or trustee in any parcel of land in said District: and in the case of the levy on any estate or interest in land the proceedings subsequent to sale thereof shall be the same as now provided by law in the case of sales for arrears of taxes against real estate; and in the case of distraint of personal property or the levy upon real estate as aforesaid the collector of taxes shall immediately proceed to advertise the same by public notice to be posted in the office of said collector and by advertisement, three times within one week, in one or more of the daily newspapers published in said District, stating the time when and the place where such property shall be sold, the last publication to be at least six days before the date of sale, and if the said taxes and penalty thereon, and the costs and expenses which shall have accrued thereon, shall not be paid before the day fixed for such sale, which shall not be less than ten days after said levy or taking of said property, the collector shall proceed to sell at public auction in his office, to the highest bidder, such property, or so much thereof as may be needed to pay such taxes, penalty, and accrued costs and expenses of such distraint and sale. Said collector shall report in detail, in writing, every distraint and sale of personal property to the Commissioners of the District of Columbia or their successors in office, and his accounts in respect to every such distraint or sale shall forthwith be submitted to the auditor of the District of Columbia and be audited by him. Any surplus resulting from such sale over and above such taxes, costs, and expenses shall be paid into the Treasury, and upon being claimed by the owner or owners of the goods and chattels aforesaid shall be paid to him or them upon the certificate of the collector of taxes stating in full the amount of such excess.

"PAR. 13. That all taxes levied under the foregoing provisions of this section shall be due, payable, and collectible at the same time and times as the general tax on real estate in said District, and shall be subject to the same penalties for nonpayment thereof until distraint or sale as hereinbefore provided.

"PAR. 14. That private banks or bankers not incorporated shall pay a tax of \$500 per annum. Every person, firm, company, or association not incorporated having a place of business where credits are opened by the deposit or collection of moneys or currency subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bills of exchange, or promissory notes are received for discount or for sale, shall be regarded as a private bank or banker.

"PAR. 15. General brokers shall pay a tax of \$250 per annum. Every person, firm, company, or association not incorporated (except insurance and real-estate brokers acting as such) that solicits business from the general public by advertisement or otherwise, and that purchases, sells, or negotiates for others securities, shares, stocks, bonds, exchange, bullion, coin, money, bank notes, or promissory notes, or that deals in futures on market quotations of prices or values on merchandise, shares, stocks, bonds, or other securities, or accepts margins on prices or values of said shares, stocks, bonds, merchandise, or securities, shall be deemed a general broker: *Provided*, That the Washington Stock Exchange, through its president or treasurer, shall pay to the collector of taxes of the District of Columbia a sum equal to \$500 per annum in lieu of tax on the members thereof for business done on said exchange: *Provided further*, That any broker who is a member of a regularly organized stock exchange located outside of the District of Columbia and transacting a brokerage business therein, shall pay a sum equal to \$100 per annum to the collector of taxes of the District of Columbia: *And be it further provided*, That if any person or firm shall have paid the tax in this section provided for banks and bankers, such person or firm shall not again be taxed as a broker or bankers.

"PAR. 16. Note brokers shall pay a tax of \$100 per annum. Every person, firm, company, or association not incorporated (except private banks and bankers) that loans money on promissory notes without real estate or collateral security or advances money on personal property as security without possession of said personal property shall be deemed a note broker: *Provided*, That exception shall be made of cooperative associations whose business is restricted to the members of such association.

"PAR. 17. The taxes for said private banks and bankers, general brokers, and note brokers shall be paid to the collector of taxes of the District of Columbia, and shall date from the 1st day of July in each year and expire on the 30th day of June following. Said taxes shall date from the first day of the month in which the liability begins, and payment shall be made for a proportionate amount.

"PAR. 18. Any person or persons violating any of the provisions of this section shall be liable to a penalty of not exceeding \$500 for each offense, said penalty to be imposed, upon conviction in the police court of the District of Columbia, as other fines and penalties are imposed, and said court is hereby invested with jurisdiction thereof; and in default of the payment of said penalty the person or persons so convicted shall be imprisoned, in the discretion of the court, not exceeding six months.

"PAR. 19. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to appoint a clerk and assistant clerk to said board of personal-tax appraisers at annual salaries of one thousand four hundred and one thousand dollars each, and three inspectors at annual salaries of \$1,200 each, all of whom shall perform such duties as may be assigned to them by the chairman of said board; and to pay the salaries of the two assistant assessors, the clerk and assistant clerk to said board of personal-tax appraisers, and the three inspectors aforesaid for the fiscal year beginning July 1, 1902, and \$6,000 for books, stationery, printing, means of transportation, and other incidental expenses, including the hire of temporary clerks, not to exceed \$1,000, the sum of \$18,000 is hereby appropriated."

And the Senate agree to the same.

Amendment numbered 233: That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"LICENSE TAXES.

"SEC. 7. That no person shall engage in or carry on any business, trade, profession, or calling in the District of Columbia for which a license tax is imposed by the terms of this section without having first obtained a license so to do. Applications for licenses shall be made to the assessor of the District of Columbia, and no license shall be granted until payment for the same shall have been made. Every license shall specify by name the person, firm, or corporation to which it shall be issued, the business, trade, profession, or calling for which it is granted, and the location at which such business, trade, profession, or calling is to be carried on. Licenses granted under the terms of this section may be assigned or transferred on application upon the conditions applicable to granting the original licenses, and the assessor shall issue a certificate of such assignment or transfer upon the payment to the District of Columbia of a fee of 50 cents therefor. All licenses and transfers issued or granted shall be signed by the assessor of the District of Columbia and impressed with the seal of his office.

"PAR. 2. That when more than one business, trade, profession, or calling for which a license is herein prescribed shall be carried on by the same person, the license tax shall be paid for each such business, trade, profession, or calling: *Provided*, That licenses issued under any of the provisions of this act shall be good only for the location designated thereon, and no license shall be issued for more than one place of business, profession, or calling, without the payment of a separate tax for each: *Provided further*, That no license shall be granted under the provisions of this section, relating to hotels and theaters, until the inspector of buildings and the chief officer of the fire department have certified in writing to the Assessor that the applicant for license has complied with the laws enacted and the regulations made and promulgated for the protection of life and property.

"PAR. 3. That all licenses issued shall date from the 1st day of November in each year and expire on the 31st day of October following, except as hereinafter provided. Licenses issued at any time after the beginning of the license year shall date from the first day of the month in which the license was issued and end on the last day of the license year above prescribed, and payment shall be made of the proportionate amount of the annual license tax: *Provided*, That in cases where the tax is less than \$5 per annum the license shall terminate one year from the first day of the month in which the license was issued.

"PAR. 4. That no person holding a license under the terms of this section shall willfully suffer or allow any other person chargeable with a separate license to operate under his license.

"PAR. 5. That all licenses granted under the terms of this section must be conspicuously posted on the premises of the licensee. Said licenses shall be accessible at all times for inspection by the police or other officers duly authorized to make such inspections. Licensees having no located place of business shall exhibit their licenses when requested to do so by any of the officers above named.

"PAR. 6. That no person shall set up, operate, or conduct any business or device by or in which any person, animal, or living object shall act or be exposed as a target for any ball, projectile, missile, or thing thrown or projected, for or in consideration of profit or gain, directly or indirectly.

"PAR. 7. That apothecaries or druggists shall pay a license tax of \$6 per annum. Every person who sells patent medicines, or manufactures, compounds, sells, or dispenses medicines by prescription or otherwise from a located place of business shall be regarded as an apothecary or druggist.

"PAR. 8. That auctioneers shall pay a license tax of \$100 per annum. Hereafter the provisions of the act of Congress entitled "An act to prevent fraudulent transactions on the part of commission merchants," approved March 21, 1892, shall be applicable to all licensed auctioneers, their agents, and employees.

"PAR. 9. That commission merchants shall pay a license tax of \$40 per annum. Every person, firm, or corporation that acts as agent for others in negotiating sales or purchases of goods, wares, or merchandise, live stock, produce, etc., or negotiates freights for railroads, ships, or vessels, or for the shippers or consignees of freights carried by railroads, ships, or vessels, shall be regarded as a commission merchant.

"PAR. 10. That cattle dealers shall pay a license tax of \$15 per annum: *Provided*, That one person only shall be entitled to do business under each license. Every person who makes a business of trading, buying, or selling horses, cattle, sheep, or hogs shall be regarded as a cattle dealer.

"PAR. 11. That proprietors or owners of hacks, coaches, omnibuses, carriages, wagons, and other passenger vehicles for hire shall pay license taxes as follows: Vehicles drawn by one animal, \$6 per annum; automobiles, automobiles, electromobiles, or other horseless vehicles by whatever name called, and vehicles drawn by more than one animal, \$9 per annum. Licenses issued under this section shall date from July 1 in each year. The driver of every licensed passenger vehicle, while transacting business as such driver, shall wear conspicuously upon his breast a badge numbered to correspond with the license of his vehicle. The badge shall be furnished by the District of Columbia and a tax of 50 cents shall be charged therefor in addition to the amount of the vehicle license.

"PAR. 12. That proprietors or owners of livery stables shall pay license taxes as follows: For stables containing 10 stalls or less, \$25 dollars per annum, and \$2 per annum additional for each stall in addition to 10: *Provided*, That nothing in this paragraph shall be so construed as to exempt livery-stable keepers from paying additional license taxes for operating any description of vehicles occupying the public stands.

"PAR. 13. That proprietors or owners of establishments where automobiles of any pattern, description, or motor power whatsoever are kept for hire or are kept or stored for others, for profit or gain, shall pay a license tax of \$25 per annum for 10 vehicles or less and \$2 additional for each vehicle in addition to 10: *Provided*, That nothing in this paragraph shall be so construed as

to exempt the owner of any vehicle using the public stands from paying the additional license tax provided in paragraph 11 of this section.

"PAR. 14. That persons, firms, or corporations operating vehicles for hire or for the transportation of passengers in the District of Columbia with sufficient regularity to enable the public to take passage therein at any point intermediate to the stable or stand of such vehicle, or operate such vehicle over a route sufficiently definite to enable the public to ascertain the streets and avenues on which such vehicle can be found en route, shall pay license taxes as follows: For each vehicle with a seating capacity not to exceed 10 passengers, \$6 per annum; for each vehicle with a seating capacity exceeding 10 passengers, \$12 per annum. No license shall be issued under the terms of this paragraph without the approval of the Commissioners of the District of Columbia.

"PAR. 15. That real estate brokers or agents shall pay a license tax of \$50 per annum. Every person who sells, or offers for sale, as the agent for others, real estate, wherever located, including mining and quarry property, or who makes or negotiates loans thereon, or who rents houses, buildings, stores, or real estate, or who collects rents for others, shall be regarded as a real estate broker or agent: *Provided*, That the practice of a profession in connection with the real estate business shall not exempt any person from the requirements of this paragraph who would otherwise be liable hereunder.

"PAR. 16. That persons, firms, corporations, or associations transacting the business of the purchase or sale of securities, stocks, shares, or certificates, based upon an estimated value after a lapse of a certain period of time, or who undertake to guarantee the holder of said securities, stocks, shares, or certificates certain sums of money based upon investments after the lapse of a certain time, or who promise to divide with the holders or investors of said securities, stocks, shares, or certificates, or with the heirs or assigns of such holders or investors, any profit which may accrue from their investments at maturity, shall pay a license tax of \$100 per annum: *Provided*, That this paragraph shall not apply to any fire or life insurance company or building association allowed to transact business as such in the District of Columbia.

"PAR. 17. That railroad-ticket brokers shall pay a license tax of \$25 per annum.

"PAR. 18. Proprietors of hotels shall pay annually \$1 for each room provided for the accommodation of guests: *Provided*, That no license shall be issued for less than \$90 per annum, dating from November 1. Every place where food and lodging are provided for transient guests shall be regarded as a hotel.

"PAR. 19. That victualers, owners of restaurants, oyster houses, cook-shops, ice-cream parlors, dairy lunches, or eating houses, by whatsoever name designated, where food, meals, or refreshments are served to transient customers, to be eaten on the premises where sold, shall pay a license tax of \$18 per annum: *Provided*, That this paragraph shall not apply to the proprietors of hotels nor to private boarding houses where board and lodging are provided by the week or month.

"PAR. 20. That owners, lessees, or managers of theaters having a stage and movable scenery used for the purpose of acting, performing, or playing any play, farce, interlude, opera, or other theatrical or dramatic performance, or any scene, section, or portion of any play, farce, burlesque, or drama of any description, for gain, shall pay a license tax of \$100 per annum: *Provided*, That licenses may be granted for theatrical performances for one week on the payment of \$20, and for less than one week on the payment of \$10: *And provided further*, That the proprietors of buildings other than theaters where exhibitions, lectures, or entertainments of any description are conducted for gain shall pay a license tax of \$100 per annum; or for lesser periods as follows: Three dollars per day, or \$10 for the first week, and \$5 for each subsequent consecutive week: *And provided further*, That for entertainments, concerts, or performances of any kind given in church premises or private residences where the proceeds are intended for church or charitable purposes, and where no rental is charged, no license tax shall be required.

"PAR. 21. That every person who exhibits paintings, pictures, or works of art, or makes industrial, mechanical, agricultural, food, or floral exhibitions, including cattle and poultry shows, freaks and museum attractions, side shows, and all other lawful exhibitions not otherwise provided for, shall pay a license tax of \$3 per day, or \$10 for the first week and \$5 additional for each consecutive week, and for an annual license the tax shall be \$100.

"PAR. 22. That persons conducting concerts, entertainments, or balls to which an admission fee is charged, directly or indirectly, shall pay a license tax of \$3 for each day or night.

"PAR. 23. That proprietors or owners of any circus shall pay a license tax of \$200 per day.

"PAR. 24. That owners or lessees of grounds used for horse racing, tournaments, athletic sports, baseball, football, polo, golf, and kindred games, or where feats of horsemanship are performed, to which admission fees are charged or which are used for profit or gain, directly or indirectly, shall pay a license tax of \$20 per week or \$5 per day.

"PAR. 25. That owners or lessees of grounds or premises used for picnics or lawn fêtes, or resorts where theatrical or musical attractions or other amusements are presented, to which admission fees are charged or which are used for profit or gain, directly or indirectly, and which are not taxed under any other paragraph of this section, shall pay a license tax of \$3 per day or \$10 per week and \$5 additional for each subsequent consecutive week, or for an annual license a tax of \$100.

"PAR. 26. That owners or lessees of buildings used for skating rinks, fairs, carnivals, or amusements not otherwise provided for in this section shall pay a license tax of \$3 per day, or \$10 for the first week and \$5 additional for each subsequent consecutive week, or for an annual license a tax of \$100.

"PAR. 27. That owners or lessees of shooting galleries, fencing schools, public gymnasia, places where firearms of any description are used, or schools where the art of self-defense is taught shall pay a license tax of \$12 per annum: *Provided*, That no place of business or shooting gallery where firearms are to be used shall be licensed until the inspector of buildings for the District of Columbia shall furnish a certificate that suitable precautions have been taken for the public safety by the erection of iron shields and such appliances as in his judgment may be necessary: *And provided further*, That before such license shall be issued the proprietor shall furnish to the assessor of the District of Columbia the written consent of a majority of the occupants and residents on the same side of the square or block in which the proposed gallery is to be located and also on the confronting side of the square fronting opposite the same. The major and superintendent of police is hereby authorized to prescribe the caliber of firearms and kind of cartridges to be used in such licensed places.

"PAR. 28. That proprietors or owners of apparatus or machines known as merry-go-rounds, flying horses, or similar devices for amusement shall pay a license tax of \$12 for the first week and \$10 for each subsequent consecutive week, or \$3 per diem: *Provided*, That license therefor may be refused in the discretion of the Commissioners of the District of Columbia.

"PAR. 29. That proprietors or owners of slot or automatic machines, so called (telephones excepted), by which objects, pictures, or figures are presented to public view or musical or vocal exhibitions are automatically given on the deposit of money or metal, or where a pecuniary consideration is received for the use of said apparatus or machines, shall pay a license tax of \$2

per annum for each machine or apparatus: *Provided*, That on the payment of a license tax of \$50 per annum the number of machines at any one location shall not be limited: *And provided further*, That no license shall be issued for less than \$2.

"PAR. 30. That owners or managers of Turkish, Russian, or medicated baths shall pay a license tax of \$25 per annum.

"PAR. 31. That owners or managers of massage establishments shall pay a license tax of \$25 per annum: *Provided*, That no license shall be issued under this paragraph without the approval of the major and superintendent of police.

"PAR. 32. That mediums, clairvoyants, soothsayers, fortune tellers, or palmists, by whatsoever name called, conducting business for profit or gain, directly or indirectly, when permitted to practice their calling in the District of Columbia, shall pay a license tax of \$25 per annum: *Provided*, That no license shall be issued without the approval of the major and superintendent of police.

"PAR. 33. That hucksters or produce dealers at large shall pay a license tax of \$12 per annum for each vehicle used in the conduct of their business. Licenses issued under this paragraph shall date from April 1 in each year. Every person who vends or sells fresh, smoked, or salt fish, meats, oysters, clams, shellfish, poultry, game, butter, eggs, vegetables, fruits, berries, candies, nuts, groceries, or produce of any kind from a vehicle of any description shall be regarded as a huckster. Every driver shall be furnished with a badge corresponding to the number of his license, which shall be worn conspicuously while transacting business, and a similar number on metal shall also be furnished him which shall be attached to his vehicle: *Provided*, That no license shall be required of any person bringing to and selling at the several markets produce of his own raising: *And provided further*, That raisers of produce shall not be exempt from the license tax imposed unless they sell such produce at the several markets, or by the wholesale in cart, wagon, or carload lots.

"PAR. 34. That fuel hucksters shall pay a license tax of \$5 per annum for each vehicle used in the conduct of their business. Every person who vends or sells fuel, oils, gasoline, wood, coal, etc., from house to house from vehicles of any description shall be regarded as a fuel huckster.

"PAR. 35. That peddlers shall pay a license tax of \$25 per annum. Licenses issued under this paragraph shall date from April 1 of each year, and one person only shall be entitled to operate thereunder. Every person who vends or sells from house to house miscellaneous articles of merchandise or personal property of any description, either as a foot peddler or selling from a vehicle, shall be regarded as a peddler.

"PAR. 36. That brewers or manufacturers of fermented liquors of any description for sale, and brewers' agents, shall pay a license tax of \$250 per annum: *Provided*, That agent's license under this paragraph shall only authorize the licensee to conduct his business with the goods of the brewer represented by such agent: *And provided further*, That a licensed brewer's solicitor, whose business is confined to soliciting orders for his principal, shall not be liable for the license tax provided for in this paragraph.

"PAR. 37. That distillers or rectifiers shall pay a license tax of \$250 per annum.

"PAR. 38. Section 8 of 'An act regulating the sale of intoxicating liquors in the District of Columbia,' approved March 3, 1893, is hereby amended by striking out therefrom the words 'The fee for a wholesale license shall be \$250 per annum, and for a barroom license \$400 per annum,' and inserting in lieu thereof the words: 'The fee for a wholesale license shall be \$300 per annum, and for a barroom license \$800 per annum.'

"PAR. 39. That billposters and persons engaged in the business of painting or placing signs or advertisements on land, buildings, billboards, fences, or other structures in the District of Columbia visible from a street or other public space shall pay an annual tax of \$20 before engaging in said business. No person shall place, exhibit, maintain, or continue any advertisement or poster except upon such land, houses, buildings, billboards, fences, or other structures as the Commissioners of the District of Columbia may, in their discretion, authorize in writing for that purpose. The said written authority shall only be granted in resident streets upon application made in writing and signed by a majority of the residents on the side of the square in which said display is to be made and also the side of the confronting square: *Provided*, That nothing in this paragraph shall apply to persons who advertise a business, exhibition, or entertainment on the premises where the same is conducted, nor to signs relating to the sale, rent, or lease of lands when the sign or advertisement is on the land referred to in the said sign or advertisement. Any person violating any of the provisions of this paragraph shall, upon conviction thereof in the police court of the District of Columbia, be punished by a fine of not more than \$20, and after conviction of any such violation the offender shall be liable to a further fine of not more than \$10 for each and every day thereafter that said violation of law shall continue.

"PAR. 40. That owners or lessees of any buildings, structures, or tanks used for the storage of any description of inflammable oils in quantities exceeding five barrels shall pay a license tax of \$10 per annum and shall have the approval of the fire marshal before license is granted.

"PAR. 41. That owners or lessees of laundries operated otherwise than by hand power shall pay a license tax of \$20 per annum. Owners or lessees of laundries operated by hand labor shall pay a license tax of \$10 per annum.

"PAR. 42. That proprietors or owners of intelligence offices, information bureaus, registries, or employment offices, by whatsoever name called, shall pay a license tax of \$10 per annum.

"PAR. 43. That dealers in second-hand personal property shall pay a license tax of \$40 per annum. Every person who buys, sells, trades, exchanges, or deals in old gold, silver, jewelry, precious stones, iron, metals of all kinds, cordage, tentage, hides, pelts, glass, rags, paper, ordnance, ship chandler's stores, junk, furniture, clothing, or second-hand personal property of any description shall be regarded as a second-hand dealer.

"PAR. 44. Pawnbrokers shall continue to pay to the collector of taxes of the District of Columbia \$100 for license, and be subject to the regulations prescribed by existing law.

"PAR. 45. Keepers of billiard, bagatelle, jenny lind, and pool tables, shuffleboards, or any table upon which legitimate games are played within the District of Columbia for public use, or for profit or gain, shall continue to pay to the collector of taxes of the District of Columbia \$12 per annum license for the table and be subject to the provisions of the act of Congress approved February 25, 1897, entitled 'An act to license billiard and pool tables in the District of Columbia, and for other purposes.'

"PAR. 46. An annual license tax is hereby imposed upon the following classes of business, trades, and professions, namely: Boarding houses (public), \$1 per room; claim agents, \$25; building and other contractors, \$25; carriage or wagon making establishments, \$25; cigar dealers, \$12; confectionery establishments, \$12; dealers of every description in the several markets, except farmers and producers, \$5; florists, \$15; land and improvement companies, \$50; undertaking establishments, \$25.

"PAR. 47. That any person violating any of the provisions of this section shall, on conviction thereof in the police court of the District of Columbia, be punished by a fine of not more than \$500 for each offense, and in default of payment by imprisonment not exceeding thirty days, in the discretion of the court, except as otherwise provided in this section.

"PAR. 48. That for the purposes of this section the word 'person' shall signify and include firms, corporations, companies, associations, executors, administrators, guardians, or trustees; the word 'agent' shall signify and include every person acting for another; the word 'merchandise' shall signify and include every article of commerce, whether sold in bulk or otherwise; the word 'dealers' shall signify and include every person engaged in selling or offering for sale any description of merchandise or property. Words of one number shall signify and include words of both numbers, respectively, and words of one gender shall signify and include words of every gender, respectively: *Provided*, That nothing in this section shall be interpreted as repealing any of the police or building regulations of the District of Columbia regarding the establishment or conduct of the businesses, trades, professions, or callings herein named."

And the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the number proposed insert the number "8;" and the Senate agree to the same.

W. B. ALLISON,
JAMES McMILLAN,
F. M. COCKRELL,

Managers on the part of the Senate.

J. T. McCLEARY,
J. G. CANNON,
M. E. BENTON,

Managers on the part of the House.

The report was agreed to.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. STEWART submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 16.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 13, 19, 20, and 21, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment and add at the end thereof the following: "Such citizenship court shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinafter specified and shall be taken, conducted, and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations: *Provided*, That paragraphs 31, 32, and 33 hereof shall go into effect immediately after the passage of this act by Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw nations in accordance with the tribal laws, customs, and usages on or before the date of the passage of this act by Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: At the end of said amendment add the following: "all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter intended to be inserted by said amendment insert the following: "in good faith continuously resided;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter intended to be inserted by said amendment insert the following: "continuous, bona fide;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Provided, That occupants or purchasers of lots in town sites in said Choctaw and Chickasaw nations upon which no improvements have been made prior to the passage of this act by Congress shall pay the full appraised value of said lots instead of the percentage named in the Atoka agreement;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Restore the matter intended to be stricken out by said amendment and add at the end thereof the following: "Provided, however, That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvement thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial or State organization as may exist at the time when such conveyance is made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Omit the word "SEC." before each paragraph number wherever it occurs and number the paragraphs consecutively; and the Senate agree to the same.

WM. M. STEWART,
O. H. PLATT,
JAMES K. JONES,

Managers on the part of the Senate.

CHARLES CURTIS,
JOHN F. LACEY,
JOHN S. LITTLE,

Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had agreed to the concurrent resolution of the Senate to print 7,500

additional copies of the report of the Daughters of the American Revolution for 1890 to 1897, together with a historical preface thereto.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 179) to amend the internal-revenue laws; and

A bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

A bill (H. R. 2978) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons;

A bill (H. R. 3519) granting an increase of pension to John Marble;

A bill (H. R. 6005) granting a pension to James A. Chalfant;

A bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories;"

A bill (H. R. 9187) granting an increase of pension to Caroline A. Hammond;

A bill (H. R. 9308) granting an increase of pension to Edwin P. Johnson;

A bill (H. R. 10856) granting a pension to Jacob Findley;

A bill (H. R. 10964) granting an increase of pension to Francis M. Beebe;

A bill (H. R. 11019) directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service;

A bill (H. R. 12056) granting an increase of pension to Warren C. Plummer;

A bill (H. R. 12097) to amend the internal-revenue laws in regard to storekeepers and gaugers;

A bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;

A bill (H. R. 13598) granting a pension to John J. Southerland;

A bill (H. R. 14182) granting an increase of pension to Susan B. Lynch;

A bill (H. R. 14247) to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina; and

A joint resolution (H. J. Res. 103) relative to the disposition of patent specification and drawing in the western district of Pennsylvania.

HOUSE BILLS REFERRED.

The bill (H. R. 179) to amend the internal-revenue laws was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak., was read twice by its title, and referred to the Committee on Commerce.

CHEROKEE INDIAN LANDS.

Mr. QUAY. I desire to call up for present consideration the bill (S. 5956) to provide for the allotment of lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment in the nature of a substitute.

Mr. QUAY. I desire to say, in preface, that there is but one committee amendment to the original bill, and that is a substitute. The entire bill originally introduced is stricken out—that is, all of the words after the enacting clause—and a new bill is inserted. I ask unanimous consent that the reading of the original bill may be dispensed with, that the substitute be treated as the original bill, that the first reading be dispensed with, and that amendments may be disposed of as they are presented during the reading of the substitute.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the reading of the original bill proposed to be stricken out may be dispensed with, and that the amendment taking its place be read.

Mr. QUAY. And that it be treated as the original bill.

The PRESIDENT pro tempore. And that it be treated as the original bill for amendment.

Mr. QUAY. For amendment.

The PRESIDENT pro tempore. The substitute will be read.

Mr. JONES of Arkansas. Is it the intention that the amendments intended to be proposed shall be offered during the reading or after its conclusion?

Mr. QUAY. I prefer that they should be proposed during the reading. The committee has no amendments. I have three or four unimportant ones to offer on behalf of the Indians, and I understand there are one or two others.

The PRESIDENT pro tempore. The Committee on Indian Affairs report an amendment, which is to strike out all after the enacting clause and insert a substitute. The substitute will be read.

The Secretary proceeded to read the substitute, and read to the end of line 12, on page 31, as follows:

DEFINITION OF WORDS EMPLOYED HEREIN.

1. The words "nation" and "tribe" shall each be held to refer to the Cherokee Nation or tribe of Indians in Indian Territory.
2. The words "principal chief" or "chief executive" shall be held to mean the principal chief of said tribe.
3. The words "Dawes Commission" or "Commission" shall be held to mean the United States Commission to the Five Civilized Tribes.
4. The word "minor" shall be held to mean males under the age of 21 years and females under the age of 18 years.
5. The terms "allotable lands" or "lands allotable" shall be held to mean all the lands of the Cherokee tribe not herein reserved from allotment.
6. The word "select" and its various modifications, as applied to allotments and homesteads, shall be held to mean the formal application at the land office, to be established by the Dawes Commission for the Cherokee Nation, for particular tracts of land.
7. The words "member" or "members" and "citizen" or "citizens" shall be held to mean members or citizens of the Cherokee Nation, in the Indian Territory.
8. Every word in this act importing the masculine gender may extend and be applied to females as well as males, and the use of the plural may include also the singular, and vice versa.

APPRAISEMENT OF LANDS.

9. The lands belonging to the Cherokee tribe of Indians in Indian Territory, except such as are herein reserved from allotment, shall be appraised at their true value: *Provided*, That in the determination of the value of such land consideration shall not be given to the location thereof, to any timber thereon, or to any mineral deposits contained therein, and shall be made without reference to improvements which may be located thereon.
10. The appraisement, as herein provided, shall be made by the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior.

ALLOTMENT OF LANDS.

11. There shall be allotted by the Commission to the Five Civilized Tribes and to each citizen of the Cherokee tribe, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to 110 acres of the average allotable land of the Cherokee Nation, to conform as nearly as may be to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements.
12. For the purpose of making allotments and designating homesteads hereunder, the 40-acre, or quarter of a quarter section, subdivision established by the Government survey may be dealt with as if further subdivided into four equal parts in the usual manner, thus making the smallest legal subdivision 10 acres, or a quarter of a quarter of a section.
13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 40 acres of the average allotable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him.
14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this act.
15. All lands allotted to the members of said tribe, except such land as is set aside to each for a homestead as herein provided, shall be alienable in five years after issuance of patent.

Mr. QUAY. I move, in lines 11 and 12, on page 31, to amend the substitute by striking out the words "issuance of patent" and inserting the words "the ratification of this act."

Mr. TELLER. I should like to ask the Senator from Pennsylvania why he moves the amendment.

Mr. QUAY. I move the amendment at the suggestion of the Cherokees. They prefer that the title to their homesteads shall show upon its face the time from which the right of alienation commences. It is to make it uniform, as I understand the amendment.

Mr. TELLER. It undoubtedly shortens the time in which the lands are nonalienable. I think that is a mistake. Five years is a very short time after the patent issues.

Mr. QUAY. It was at the suggestion of the Indians themselves that I offered the amendment.

Mr. TELLER. The truth is, we ought not to allow the Indians to sell their homesteads for the next twenty-five or thirty years. Let them sell their other lands, but the lands which they take as homesteads ought to be exempt from forced sale or even voluntary sale.

The experience has been, wherever we have put a limitation upon the sale, that when that time has been reached almost immediately the Indians sell the land. Up in Michigan I know a good many years ago there were a very large number of patents issued with a five years' limit, and within a few months, you may say, after the limit had been reached pretty nearly every Indian who had received his patent had sold it. The fact was, they commenced selling it beforehand, although they could not make a very good deed. The time is so very short that I wish the Sena-

tor from Pennsylvania would let the words "five years after issuance of patent" stand. It would be better, because the patents will not issue for a year or so.

Mr. QUAY. Very well; I will not insist upon the amendment. Mr. TELLER. If I had been drafting the bill I should have made it ten years instead of five.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Senator from Pennsylvania withdraws the amendment. The reading of the substitute will be resumed.

The Secretary resumed the reading of the substitute and read to the end of line 9, on page 35, as follows:

16. If for any reason an allotment should not be selected, or a homestead designated by or on behalf of any member of the tribe, it shall be the duty of said Commission to make said selection and designation.

17. In the making of allotments and in the designation of homesteads for members of said tribe said Commission shall not be required to divide lands into tracts of less than the smallest legal subdivision provided for in section 12 hereof.

18. It shall be unlawful after ninety days after the ratification of this act by the Cherokees for any member of the Cherokee tribe to inclose or hold possession of, in any manner, by himself or through another, directly or indirectly, more lands in value than that of 110 acres of average allotable lands of the Cherokee Nation, either for himself or for his wife, or for each of his minor children, if members of said tribe; and any member of said tribe found in such possession of lands, or having the same in any manner inclosed, after the expiration of ninety days after the date of the ratification of this act, shall be deemed guilty of a misdemeanor.

19. Any person convicted of violating any of the provisions of section 18 of this act shall be punished by a fine of not less than \$100, shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every \$2 of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. The United States district attorney for the northern district is required to see that the provisions of said section 18 are strictly enforced, and he shall immediately, after the expiration of the ninety days after the ratification of this act, proceed to dispossess all persons of such excessive holdings of lands and to prosecute them for so unlawfully holding the same, and the Commission to the Five Civilized Tribes shall have authority to make investigations of all violations of section 18 and make report thereon to the United States district attorney.

20. If any person whose name appears upon the roll prepared as herein provided shall have died subsequent to the 1st day of September, 1902, and before receiving his allotment, the lands to which such person would have been entitled if living shall be allotted in his name, and shall, with his proportionate share of other tribal property, descend to his heirs according to the laws of descent and distribution as provided in chapter 49 of Mansfield's Digest of the Statutes of Arkansas: *Provided*, That the allotment thus to be made shall be selected by a duly appointed administrator or executor. If, however, such administrator or executor be not duly and expeditiously appointed, or fails to act promptly when appointed, or for any other cause such selection be not so made within a reasonable and proper time, the Dawes Commission shall designate the lands thus to be allotted.

21. Allotment certificates issued by the Dawes Commission shall be conclusive evidence of the right of an allottee to the tract of land described therein, and the United States Indian agent for the Union Agency shall, under the direction of the Secretary of the Interior, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to him, and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

22. Exclusive jurisdiction is hereby conferred upon the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior, to determine all matters relative to the appraisement and the allotment of lands.

23. All Delaware Indians who are members of the Cherokee Nation shall take lands and share in the funds of the tribe, as their rights may be determined by the judgment of the Court of Claims, or by the Supreme Court if appealed, in the suit instituted therein by the Delawares against the Cherokee Nation, and now pending; but if said suit be not determined before said Commission is ready to begin the allotment of lands of the tribe as herein provided, the Commission shall cause to be segregated 157,600 acres of land, including lands which have been selected and occupied by Delawares in conformity to the provisions of their agreement with the Cherokees dated April 8, 1867, such lands so to remain, subject to disposition according to such judgment as may be rendered in said cause; and said Commission shall thereupon proceed to the allotment of the remaining lands of the tribe as aforesaid. Said Commission shall, when final judgment is rendered, allot lands to such Delawares in conformity to the terms of the judgment and their individual rights thereunder. Nothing in this act shall in any manner impair the rights of either party to said contract as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April 8, 1867, until their rights under said contract are determined by the courts in their suit now pending against the Cherokees.

Mr. QUAY. At the end of paragraph 23, page 35, line 9, I move to add:

Said suit shall be advanced on the dockets of said courts and determined at the earliest time practicable.

I will say in explanation that this litigation has been pending since 1898, and it is important in the settlement of the affairs of the Cherokees that the contention between them and the Delawares shall be disposed of early. I suppose there will be no objection to the amendment.

The amendment was agreed to.

The Secretary read as follows:

RESERVATIONS.

24. The following lands shall be reserved from the allotment of lands herein provided for:

(a) All lands set apart for town sites by the provisions of the act of Congress of June 28, 1898 (30 Stats., p. 495), the provisions of the act of Congress of May 31, 1900 (31 Stats., p. 221), and by the provisions of this act.

(b) All lands to which, upon the date of the ratification of this act, any railroad company may, under any treaty or act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses only, connected with the maintenance and operation of the railroad.

- (c) All lands selected for town cemeteries not to exceed 20 acres each.
- (d) One acre of land for each Cherokee schoolhouse not included in town sites or herein otherwise provided for.
- (e) Four acres for Willie Halsell College at Vinita.
- (f) Four acres for Baptist Mission school at Tahlequah.
- (g) Four acres for Presbyterian school at Tahlequah.
- (h) Four acres for Park Hill Mission school south of Tahlequah.
- (i) Four acres for Elm Springs Mission school at Barren Fork.
- (j) Four acres for Dwight Mission school at Sallisaw.
- (k) Four acres for Skiatook Mission near Skiatook.
- (l) Four acres for Lutheran Mission school on Illinois River north of Tahlequah.
- (m) Sufficient ground for burial purposes where neighborhood cemeteries are now located, not to exceed 3 acres each.
- (n) One acre for each church house outside of towns.
- (o) The square now occupied by the capitol building at Tahlequah.
- (p) The grounds now occupied by the national jail at Tahlequah.
- (q) The grounds now occupied by the Cherokee Advocate printing office at Tahlequah.
- (r) Forty acres for the Cherokee Male Seminary near Tahlequah.
- (s) Forty acres for the Cherokee Female Seminary at Tahlequah.
- (t) One hundred and twenty acres for the Cherokee Orphan Asylum on Grand River.
- (u) Forty acres for colored high school in Tahlequah district.
- (v) Forty acres for the Cherokee Insane Asylum.
- (w) Forty acres for the school for blind, deaf, and dumb children near Fort Gibson.

Mr. QUAY. I have been requested to move to strike out the word "forty" before "acres" in line 10, and to insert the word "four." That will reduce the acreage for the school near Fort Gibson from 40 acres to 4 acres.

The amendment was agreed to.

The Secretary read as follows:

The acre so reserved for any church or schoolhouse in any quarter section of land shall be located where practicable in a corner of such quarter section adjacent to the section lines thereof.

Mr. JONES of Arkansas. I offer the following to be inserted immediately after the words just read by the Secretary as a proviso.

The SECRETARY. After line 15, page 37, it is proposed to insert the following proviso:

Provided, That the Methodist Episcopal Church South may, within twelve months after the ratification of this act, pay \$10 per acre for the 160 acres of land adjacent to the town of Vinita, and heretofore set apart by act of the Cherokee national council for the use of said church for missionary and educational purposes, and now occupied by Willie Halsell College (formerly Galway College), and shall thereupon receive title thereto; but if said church fail so to do it may continue to occupy said 160 acres of land as long as it uses same for the purposes aforesaid.

Any other school or college in the Cherokee Nation which claims to be entitled under the law to a greater number of acres than is set apart for said school or college by section 24 of this act may have the number of acres to which it is entitled by law. The trustees of such school or college shall, within sixty days after the ratification of this act, make application to the Secretary of the Interior for the number of acres to which such school or college claims to be entitled, and if the Secretary of the Interior shall find that such school or college is, under the laws and treaties of the Cherokee Nation in force prior to the ratification of this act, entitled to a greater number of acres of land than is provided for in this act, he shall so determine and his decision shall be final. The amount so found by the Secretary of the Interior shall be set apart for the use of such college or school as long as the same may be used for missionary and educational purposes: *Provided, That the trustees of such school or college shall pay \$10 per acre for the number of acres so found by the Secretary of the Interior and which have been heretofore set apart by act of the Cherokee national council for use of such school or college for missionary or educational purposes, and upon the payment of such sum within sixty days after the decision of the Secretary of the Interior said college or school may receive a title to such land.*

Mr. JONES of Arkansas. By Article XIV of the treaty of 1866 this provision was made:

ART. XIV. The right to the use and occupancy of a quantity of land not exceeding 160 acres, to be selected according to legal subdivisions in one body, and to include their improvements, and not including the improvements of any member of the Cherokee Nation, is hereby granted to every society or denomination which has erected or which, with the consent of the national council, may hereafter erect buildings within the Cherokee country for missionary or educational purposes. But no land thus granted, nor buildings which have been or may be erected thereon, shall ever be sold or otherwise disposed of, except with the consent and approval of the Cherokee national council and of the Secretary of the Interior. And whenever any such lands or buildings shall be sold or disposed of, the proceeds thereof shall be applied by said society or societies for like purposes within said nation, subject to the approval of the Secretary of the Interior.

There were a number of churches which, availing themselves of the rights under this paragraph, have improved quarter sections of land in different parts of the nation. They have erected expensive school buildings thereon, buildings that will not be included in the limited area which it is proposed now to fix in the bill.

The purpose of this amendment is simply to reserve the rights these people have already acquired. If the bill should be passed as it stands it would be useless so far as depriving these people of the rights they have under the treaty of 1866 goes. There is no question that they can hold this land, and it is better in the bill to reserve the rights which they have under the treaty of 1866 and thereby avoid the number of lawsuits that will otherwise be entailed upon them.

This question was taken up in the House Committee on Indian Affairs, and they recommended the amendment of the bill in the House which I have just had read. I took the amendment which I have just sent to the desk from the House bill as reported from

the Committee on Indian Affairs. I hope the Senator from Pennsylvania will agree that it shall go into the bill.

Mr. QUAY. Is it an exact copy of the amendment reported in the other House?

Mr. JONES of Arkansas. Yes; it is offered here just as the House committee reported it.

Mr. QUAY. I will accept the amendment.

The amendment was agreed to.

Mr. GALLINGER. I ask the Senator from Pennsylvania to yield to me to make a request.

Mr. QUAY. Certainly.

DISTRICT OF COLUMBIA BILLS.

Mr. GALLINGER. There are two bills relating to the District of Columbia, one in relation to taxes and tax sales and the other for the extension of a street line of railroad, which are very important. They are House bills and will take but the time to read to pass them. I ask unanimous consent that when this bill is disposed of those two bills may be taken up for consideration.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield?

Mr. GALLINGER. The Senator did yield, Mr. President.

Mr. QUAY. I yielded.

The PRESIDING OFFICER. The Secretary will report the bills.

Mr. GALLINGER. I ask consent that after the Cherokee lands bill is completed they may be considered.

The PRESIDING OFFICER. The Senator wants unanimous consent to take them up after the Cherokee agreement bill is disposed of?

Mr. GALLINGER. After this bill is completed.

Mr. QUAY. After this bill has been completed.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from New Hampshire.

Mr. JONES of Arkansas. What is the request?

Mr. GALLINGER. That two District of Columbia bills, House bills, that will not take longer than the time to read them, may be considered at the conclusion of this bill. They are House bills, and it is very important that they should be passed. One relates to taxes and tax sales in the District, and is an important bill. The other proposes to extend the Eleventh street line of railroad.

Mr. JONES of Arkansas. I think the right ought to be reserved to object, because there are very few Senators in the Chamber, and there may be some who may object to the bills. I do not know as to that. I have no objection to their consideration.

Mr. GALLINGER. There will be no objection to them, I will assure the Senator from Arkansas.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

CHEROKEE INDIAN LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes.

The Secretary resumed, at page 37, line 16, the reading of the substitute reported by the Committee on Indian Affairs, as follows:

ROLL OF CITIZENSHIP.

25. The roll of citizens of the Cherokee Nation shall be made as of September 1, 1902, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes.

26. The names of all persons living on the 1st day of September, 1902, entitled to be enrolled as provided in section 25 hereof, shall be placed upon the roll made by said Commission, and no child born thereafter to a citizen, and no white person who has intermarried with a Cherokee citizen since the 16th day of December, 1895, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation.

27. Such roll shall in all other respects be made in strict compliance with the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., p. 495), and the act of Congress approved May 31, 1900 (31 Stats., p. 221).

28. No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation.

29. For the purpose of expediting the enrollment of the Cherokee citizens and the allotment of lands as herein provided, the said Commission shall, from time to time, and as soon as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Cherokee tribe, upon which allotment of land and distribution of other tribal property shall be made. When there shall have been submitted to and approved by the Secretary of the Interior lists embracing the names of all those lawfully entitled to enrollment, the roll shall be deemed complete. The roll so prepared shall be made in quadruplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Cherokee Nation, and one to remain with the Commission to the Five Civilized Tribes.

30. During the months of September and October, in the year 1902, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the 1st day of September,

1902, but the application of no person whomsoever for enrollment shall be received after the 31st day of October, 1902.

31. No person whose name does not appear upon the roll prepared as herein provided shall be entitled to in any manner participate in the distribution of the common property of the Cherokee tribe, and those whose names appear thereon shall participate in the manner set forth in this act: *Provided*, That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person, whose name is on said roll and who died prior to the 1st day of September, 1902. The right of such person to any interest in the lands or other tribal property shall be deemed to have become extinguished and to have passed to the tribe in general upon his death before said date, and any person or persons who may conceal the death of anyone on said roll as aforesaid for the purpose of profiting by said concealment, and who shall knowingly receive any portion of any land or other tribal property or of the proceeds so arising from any allotment prohibited by this section, shall be deemed guilty of a felony, and shall be proceeded against as may be provided in other cases of felony, and the penalty for this offense shall be confinement at hard labor for a period of not less than one year nor more than five years, and in addition thereto a forfeiture to the Cherokee Nation of the lands, other tribal property, and proceeds so obtained.

SCHOOLS.

32. The Cherokee school fund shall be used, under the direction of the Secretary of the Interior, for the education of children of Cherokee citizens, and the Cherokee schools shall be conducted under rules prescribed by him according to Cherokee laws, subject to such modifications as he may deem necessary to make the schools most effective and to produce the best possible results; said schools to be under the supervision of a supervisor appointed by the Secretary and a school board elected by the national council.

33. All teachers shall be examined by said supervisor, and said school board and competent teachers and other persons to be engaged in and about the schools with good moral character only shall be employed; but where all qualifications are equal, preference shall be given to citizens of the Cherokee Nation in such employment.

34. All moneys for carrying on the schools shall be appropriated by the Cherokee national council, not to exceed the amount of the Cherokee school fund; but if the council fail or refuse to make the necessary appropriations, the Secretary of the Interior may direct the use of a sufficient amount of the school fund to pay all necessary expenses for the efficient conduct of the schools, strict account therefor to be rendered to him and the principal chief.

35. All accounts for expenditures in carrying on the schools shall be examined and approved by said supervisor, and also by the general superintendent of Indian schools in the Indian Territory, before payment thereof is made.

36. The interest arising from the Cherokee orphan fund shall be used, under the direction of the Secretary of the Interior, for maintaining the Cherokee Orphan Asylum for the benefit of the Cherokee orphan children.

ROADS.

37. Public highways or roads 2 rods in width, being 1 rod on each side of the section line, may be established along all section lines without any compensation being paid therefor, and all allottees, purchasers, and others shall take the title to such lands subject to this provision; and public highways or roads may be established elsewhere whenever necessary for the public good, the actual value of the land taken elsewhere than along section lines to be determined under the direction of the Secretary of the Interior while the tribal government continues and to be paid by the Cherokee Nation during that time; and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, whether along section lines or elsewhere, such damages, during the continuance of the tribal government, shall be determined and paid for in the same manner.

TOWN SITES.

38. The lands which may hereafter be set aside and reserved for town sites upon the recommendation of the Dawes Commission under the provisions of the act of Congress approved May 31, 1900 (31 Stats., p. 221), shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, not to exceed 640 acres for each town site.

39. Whenever any tract of land shall be set aside by the Secretary of the Interior for town-site purposes, as provided in said act of May 31, 1900, or by the terms of this act, which is occupied at the time of such segregation by any member of the Cherokee Nation, such occupant shall be allowed to purchase any lot upon which he then has improvements other than fences, tillage, and temporary improvements, in accordance with the provisions of the act of June 28, 1898 (30 Stats., p. 495), or, if he so elects, the lot will be sold under rules and regulations to be prescribed by the Secretary of the Interior, and he shall be fully compensated for his improvements thereon out of the funds of the tribe arising from the sale of the town sites, the value of such improvements to be determined by a board of appraisers, one member of which shall be appointed by the Secretary of the Interior, one by the chief executive of the tribe, and one by the occupant of the land, said board of appraisers to be paid such compensation for their services as may be determined by the Secretary of the Interior out of any appropriations for surveying, laying out, platting, and selling town sites.

40. All town sites which may hereafter be set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved May 31, 1900 (31 Stats., p. 221), with the additional acreage added thereto, as well as all town sites set aside under the provisions of this act having a population of less than 200, shall be surveyed, laid out, platted, appraised, and disposed of in like manner and with like preference rights accorded to owners of improvements as other town sites in the Cherokee Nation are surveyed, laid out, platted, appraised, and disposed of under the act of Congress of June 28, 1898 (30 Stats., p. 495), as modified or supplemented by the act of May 31, 1900. *Provided*, That as to the town sites set aside as aforesaid the owner of the improvements shall be required to pay the full appraised value of the lot instead of the percentage named in said act of June 28, 1898 (30 Stats., p. 495).

41. Any person being in possession or having the right to the possession of any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the act of Congress approved May 31, 1900 (31 Stats., p. 221), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and owning improvements thereon, other than temporary buildings, fencing, or tillage, shall have the right to purchase the same at one-fourth of the appraised value thereof.

42. Any person being in possession of, or having the right to the possession of, any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the act of Congress approved May 31, 1900 (31 Stats., p. 221), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and not having any improvements thereon, shall have the right to purchase the same at one-half of the appraised value thereof.

43. Any citizen in rightful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the oc-

cupancy of which has not been acquired under tribal laws, shall have the right to purchase same by paying one-half the appraised value thereof: *Provided*, That any other person in undisputed possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying the appraised value thereof.

44. All lots not having thereon improvements other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after appraisal, under the direction of the Secretary of the Interior, after due advertisement, at public auction, to the highest bidder, at not less than their appraised value.

45. When the appraisal of any town lot is made and approved, the town-site commission shall notify the claimant thereof of the amount of appraisal, and he shall, within sixty days thereafter, make payment of 10 per cent of the amount due for the lot, and four months thereafter he shall pay 15 per cent additional, and the remainder of the purchase money he shall pay in three equal annual installments without interest; but if the claimant of any such lot fail to purchase same or make the first and second payments aforesaid or make any other payment within the time specified, the lot and improvements shall be sold at public auction to the highest bidder under the direction of the Secretary of the Interior, at a price not less than its appraised value.

46. When any improved lot shall be sold at public auction because of the failure of the person owning improvements thereon to purchase same within the time allowed in said act of Congress approved June 28, 1898 (30 Stats., p. 495), said improvements shall be appraised by a committee, one member of which shall be selected by the owner of the improvements and one member by the purchaser of said lot; and in case the said committee is not able to agree upon the value of said improvements, the committee may select a third member, and in that event the determination of the majority of the committee shall control. Said committee of appraisal shall be paid such compensation for their services by the two parties in interest, share and share alike, as may be agreed upon, and the amount of said appraisal shall be paid by the purchaser of the lot to the owner of the improvements in cash within thirty days after the decision of the committee of appraisal.

47. The purchaser of any unimproved town lot sold at public auction shall pay 25 per cent of the purchase money at the time of the sale, and within four months thereafter he shall pay 25 per cent additional, and the remainder of the purchase money he shall pay in two equal annual installments without interest.

48. Such towns in the Cherokee Nation as may have a population of less than 200 people not otherwise provided for, and which, in the judgment of the Secretary of the Interior, should be set aside as town sites shall have their limits defined as soon as practicable after the approval of this act in the same manner as provided for other town sites.

49. The town authorities of any town site in said Cherokee Nation may select and locate, subject to the approval of the Secretary of the Interior, a cemetery within suitable distance from said town, to embrace such number of acres as may be deemed necessary for such purpose. The town-site commission shall appraise the same at its true value, and the town may purchase the same within one year from the approval of the survey by paying the appraised value. If any citizen have improvements thereon, said improvements shall be appraised by said town-site commission and paid for by the town: *Provided*, That lands already laid out by tribal authorities for cemeteries shall be included in the cemeteries herein provided for without cost to the towns, and the holdings of the burial lots therein now occupied for such purpose shall in no wise be disturbed: *And provided further*, That any park laid out and surveyed in any town shall be duly appraised at a fair valuation, and the inhabitants of said town shall, within one year after the approval of the survey and the appraisal of said park by the Secretary of the Interior, pay the appraised value to the proper officer for the benefit of the tribe.

50. The United States shall pay all expenses incident to surveying, platting, and disposition of town lots, and all allotments of lands made under the provisions of this plan of allotment, except where the town authorities may have been or may be duly authorized to survey and plat their respective towns at the expense of such towns.

51. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided.

52. If the purchaser of any town lot fail to make payment of any sum when due, the same shall thereafter bear 6 per cent interest per annum until paid.

53. All lots or parts of lots, not exceeding 50 by 150 feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisal, shall be conveyed gratuitously to the churches to which such improvements belong, and if such churches have inclosed other adjoining lots actually necessary for their use, they may purchase the same by paying the appraised value thereof.

54. Whenever the chief executive of the Cherokee Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioners appointed by the chief executive to qualify or act, or otherwise, the Secretary of the Interior, in his discretion, may appoint a commissioner to fill the vacancy thus created.

55. The purchaser of any town lot may at any time pay the full amount of the purchase money, and he shall thereupon receive title therefor.

56. Any person may bid for and purchase any lot sold at public auction as herein provided.

57. The United States may purchase in any town in the Cherokee Nation suitable lands for court-houses, jails, or other necessary public purposes for its use by paying the appraised value thereof, the same to be selected under the direction of the department for whose use such lands are needed, and if any person have improvements thereon the same shall be appraised in like manner as other town property, and shall be paid for by the United States.

TITLES.

58. The Secretary of the Interior shall furnish the principal chief with blank patents necessary for all conveyances herein provided for, and when any citizen receives his allotment of land, or when any allotment has been so ascertained and fixed that title should under the provisions of this act be conveyed, the principal chief shall thereupon proceed to execute and deliver to him a patent conveying all the right, title, and interest of the Cherokee Nation, and of all other citizens, in and to the lands embraced in his allotment certificate.

59. All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his patent.

60. Any allottee accepting such patent shall be deemed to assent to the allotment and conveyance of all the lands of the tribe as provided in this act, and to relinquish all his right, title, and interest to the same, except in the proceeds of lands reserved from allotment.

61. The acceptance of patents for minors and incompetents by persons authorized to select their allotments for them shall be deemed sufficient to

bind such minors and incompetents as to the conveyance of all other lands of the tribe.

62. All patents, when so executed and approved, shall be filed in the office of the Dawes Commission, and recorded in a book provided for the purpose, until such time as Congress shall make other suitable provision for record of land titles, without expense to the grantee, and such records shall have like effect as other public records.

MISCELLANEOUS.

63. The tribal government of the Cherokee Nation shall not continue longer than March 4, 1906.

64. The collection of all revenues of whatsoever character belonging to the tribe shall be made by an officer appointed by the Secretary of the Interior, under rules and regulations to be prescribed by the said Secretary.

65. All things necessary to carry into effect the provisions of this act, not otherwise herein specifically provided for, shall be done under the authority and direction of the Secretary of the Interior.

66. All funds of the tribe, and all moneys accruing under the provisions of this act, shall be paid out under the direction of the Secretary of the Interior, and when required for per capita payments shall be paid directly to each individual by an appointed officer of the United States, under the direction of the Secretary of the Interior.

67. The Secretary of the Interior shall cause to be paid all just indebtedness of said tribe existing at the date of the ratification of this act which may have lawfully been contracted, and warrants therefor regularly issued upon the several funds of the tribe, as also warrants drawn by authority of law hereafter and prior to the dissolution of the tribal government, such payments to be made from any funds in the United States Treasury belonging to said tribe, and all such indebtedness of the tribe shall be paid in full before any pro rata distribution of the funds of the tribe shall be made. The Secretary of the Interior shall make such payments at the earliest time practicable and he shall make all needed rules and regulations to carry this provision into effect.

68. Jurisdiction is hereby conferred upon the Court of Claims to examine, consider, and adjudicate, with a right of appeal to the Supreme Court of the United States by any party in interest feeling aggrieved at the decision of the Court of Claims, any claim which the Cherokee tribe, or any band thereof, arising under treaty stipulations, may have against the United States, upon which suit shall be instituted within two years after the approval of this act; and also to examine, consider, and adjudicate any claim which the United States may have against said tribe, or any band thereof. The institution, prosecution, or defense, as the case may be, on the part of the tribe or any band, of any such suit, shall be through attorneys employed and to be compensated in the manner prescribed in sections 2103 to 2106, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief in the employment of such attorneys, and the band acting through a committee recognized by the Secretary of the Interior. The Court of Claims shall have full authority, by proper orders and process, to make parties to any such suit all persons whose presence in the litigation it may deem necessary or proper to the final determination of the matter in controversy, and any such suit shall, on motion of either party, be advanced on the docket of either of said courts and be determined at the earliest practicable time.

69. After the expiration of nine months after the date of the original selection of an allotment by or for any citizen of the Cherokee tribe as provided in this act, no contest shall be instituted against such selection, and as early thereafter as practicable patent shall issue therefor.

70. Allotments may be selected and homesteads designated for minors by the father or mother, if citizens, or by a guardian or curator, or the administrator having charge of their estate, in the order named; and for prisoners, convicts, aged and infirm persons, and soldiers and sailors of the United States on duty outside of the Indian Territory, by duly appointed agents under power of attorney; and for incompetents by guardians, curators, or other suitable persons akin to them; but it shall be the duty of said Commission to see that said selections are made for the best interests of such parties.

71. Any allottee taking as his allotment lands located around the Cherokee National Male Seminary, the Cherokee National Female Seminary, or Cherokee Orphan Asylum which have not been reserved from allotment as herein provided, and upon which buildings, fences, or other property of the Cherokee Nation are located, such buildings, fences, or other property shall be appraised at the true value thereof and be paid for by the allottee taking such lands as his allotment, and the money to be paid into the Treasury of the United States to the credit of the Cherokee Nation.

72. Cherokee citizens may rent their allotments when selected for a term not to exceed one year for grazing purposes only, and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same; but leases for a period longer than one year for grazing purposes and for a period longer than five years for agricultural purposes and for mineral purposes may also be made with the approval of the Secretary of the Interior and not otherwise. Any agreement or lease of any kind or character violative of this section shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Cherokee Nation and grazed on lands not selected as allotments by citizens the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section 2117 of the Revised Statutes of the United States shall not hereafter apply to Cherokee lands.

73. All acts and portions of acts or treaty provisions in conflict with any of the provisions of this act shall not be in force in the Cherokee Nation after the ratification of this act by the Cherokees.

Mr. QUAY. I move to amend by striking out paragraph 73, which has just been read, and inserting in lieu thereof what I send to the desk, which is the language of the act of 1901.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out paragraph 73, and in lieu thereof to insert:

73. The provisions of section 13 of the act of Congress approved June 28, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," shall not apply to, or in any manner affect, the lands or other property of said tribe, and no act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation, except sections 14 and 27 of said last-mentioned act, which shall continue in force as if this agreement had not been made.

The amendment was agreed to.

The reading was resumed and concluded, as follows:

74. This act shall not take effect or be of any validity until ratified by a majority of the whole number of votes cast by the legal voters of the Cherokee Nation in the manner following:

75. The principal chief shall, within ten days after the passage of this act

by Congress, make public proclamation that the same shall be voted upon at a special election to be held for that purpose within thirty days thereafter, on a certain date therein named, and he shall appoint such officers and make such other provisions as may be necessary for holding such election. The votes cast at such election shall be forthwith duly certified as required by Cherokee law, and the votes shall be counted by the Cherokee national council if then in session, and if not in session, the principal chief shall convene an extraordinary session for the purpose, in the presence of a member of the Commission to the Five Civilized Tribes, and said member and the principal chief shall jointly make certificate thereof and proclamation of the result.

Mr. TELLER. Mr. President—

Mr. PLATT of Connecticut. Will the Senator from Colorado permit me a moment?

Mr. TELLER. I yield to the Senator.

Mr. PLATT of Connecticut. Ought there not to be some provision here as to how the result of the ratification shall be communicated to this Government? It ought to be communicated to the President of the United States, I should think.

Mr. TELLER. I should think so.

Mr. PLATT of Connecticut. The language now is "shall jointly make certificate thereof and proclamation of the result." I move to add "and transmit the same to the President of the United States."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In paragraph 75, on page 56, at the end of line 20, after the word "result," it is proposed to insert "and transmit the same to the President of the United States."

Mr. QUAY. I have no objection to that amendment.

The amendment was agreed to.

Mr. TELLER. Mr. President, I do not desire to discuss the pending bill, but I wish to submit a few remarks, and, to keep within the rules of the Senate, I presume it will be in order to submit them on this bill.

Mr. PLATT of Connecticut. Will the Senator permit one other suggestion in regard to the pending bill?

The PRESIDENT pro tempore. Does the Senator from Colorado yield?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I think these paragraphs might each one of them be stated as sections of the bill. These are paragraphs as they appear in another agreement, and there do not appear to be any sections in the bill. I suggest that every one of the paragraphs in the bill be stated as a section—section 1, section 2, section 3, etc. I presume that change can be made by the clerks.

Mr. QUAY. That can be corrected at the Secretary's desk.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order is made.

Mr. TELLER. Mr. President, for nearly two months I have been giving attention to a question that has excited considerable attention in the country. I refer to the suggested reduction of the duty upon Cuban sugar that may be imported into the United States. As a member of the Committee on Relations with Cuba and as a member of the subcommittee appointed for the purpose of investigating that subject, I have been somewhat concerned with this matter. Representing in part a State which perhaps is as well adapted to the making of beet sugar as any other State of the Union, or perhaps any other section of the world, I have a special interest in the question. On these accounts I do not believe it quite proper for me to let this session of Congress adjourn without submitting at least a few facts concerning the developments resulting from this inquiry and inserting in the RECORD, if I may obtain permission to do so, certain statements which may have been made.

I do not desire at this late day of the session to take advantage of the Senate by reading any considerable number of documents, but I have several on my table which I feel ought to go into the RECORD. I do not feel exactly justified in putting some of them into the RECORD to swell that publication unnecessarily beyond its usual size. I therefore ask to be permitted to have two or three pamphlets published as documents. Consent to this end being given, I will not of course be under the necessity of making them a part of my remarks by reading them.

Mr. PLATT of Connecticut. What are they?

Mr. TELLER. They are pamphlets which I presume the Senator from Connecticut has seen. I hold in my hand four of them prepared by Mr. Truman G. Palmer, who appeared before the committee. I have looked through them, and I believe there is nothing in them which can be objected to.

The PRESIDENT pro tempore. The Senator from Colorado asks that certain documents be printed.

Mr. TELLER. I will designate them. One of them is a pamphlet entitled "The Deadly Parallel," on Cuban tariff reduction, being quotations from the RECORD and from the public press. I do not know whether the Senator from Connecticut has seen that pamphlet or not, but I can send him a copy if he desires to

examine it. Another one of the pamphlets is entitled "The Story of Cuban Distress," another "The American Beet-Sugar Industry and the Proposed Cuban Tariff Reduction," and still another is entitled "Press Comment on the War of the Sugar Trust Against American Beet-Sugar Producers," containing quotations from the press of the country. All of these have been prepared by Mr. Truman G. Palmer.

Mr. PLATT of Connecticut. Mr. President, of course I can not interpose an objection to the request of the Senator from Colorado to print as documents articles certain persons may have prepared relating to subjects under discussion in the Senate, but I know that practice has prevailed; I do not believe in it very much, but it has become the custom of the Senate. If I should object to the printing of these papers as documents, of course the Senator could read all of them in his own time, thus taking up the time of the Senate, and therefore I do not make any objection.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Colorado to make the request for printing now?

Mr. TELLER. I make the request. I also make the request that there may be published separately as a document a letter addressed to me by Mr. Truman G. Palmer, which consists practically of extracts from the testimony—a compendium of the testimony—taken before the committee. I ask that that letter may be printed also as a document, but separately from the others.

The PRESIDENT pro tempore. The Senator from Colorado asks that the four papers first referred to by him may be printed as a document, and that the last-named one may be printed separately as a document. Is there objection? The Chair hears none.

Mr. TELLER. There is also another paper which should go in with the others I asked to have printed. It is a statistical chart, showing the growth of beet-sugar production in the United States from the first year, when the total annual product reached 1,000 tons, to the season of 1902. I ask that that also may be printed as a document.

The PRESIDENT pro tempore. The Senator from Colorado asks that the paper now sent to the desk by him may be printed with the first four documents he presented. Is there objection? The Chair hears none, and that order is made.

Mr. TELLER. Mr. President, I want to submit some remarks, but not at any great length, for I know I should be regarded as unduly trespassing on the time of the Senate if I should occupy any considerable length of time at this period of the session.

Since the committee suspended the taking of testimony one of the witnesses, Mr. Thurber, has sent a letter to the committee, which I shall read before I conclude.

ALLEGED DISTRESS IN CUBA.

Early last fall a good deal of interest was exhibited in this country by reason of the statement published in a very public way through the press concerning the condition which was said to exist in the island of Cuba. We were told that the people of that island were in great distress. We were assured by many articles in the public press that unless some relief was furnished to the people of Cuba it would be utterly impossible for them to maintain an orderly, decent, and respectable government. Such was asserted to be the case by some members of the so-called committee that came here from Cuba who appeared before the Ways and Means Committee of the House of Representatives. One member of that committee since has been traveling around the country and asserting that unless we shall give immediate relief to Cuba by a reduction of the tariff there will be revolution in the island.

Mr. President, there never has been any reason for that statement; there never has been any condition in Cuba which would justify that assertion; there has been no distress in Cuba at any time which has called for the intervention of the Government of the United States. I assert that that has been positively proven before the Committee on Ways and Means of the House of Representatives.

Certain witnesses who appeared before that committee were exceedingly active and urgent in the effort to secure relief, as they said, upon the theory that there was a financial condition in the island of Cuba betokening much distress. I refer now to the evidence of Mr. Louis Place, from the district of Matanzas, taken before the House committee. He made a statement before the committee on the 14th day of January, I think, and there are large numbers of similar statements which could be presented, but which I do not now propose to present in order that I may save the time of the Senate. That statement, I think, will give a general idea of the conditions and methods which have been pursued.

I want to assert, measuring my words as I go, that it is not an exaggeration to say that there has not been, since I have been in public life, so patent and open an attempt to deceive the American people on any subject as there has been on this question of the

pecuniary condition of Cuba, relying upon a well-known characteristic of the American people of promptitude in responding to every call of distress.

We were first told that there was distress—that there was starvation—in Cuba. We were assured that the condition was such that revolution would follow in a very short time unless Congress gave relief; and certain gentlemen having large interests in Cuba, while citizens of the United States, interested themselves to the extent of coming here and demanding of us, first, the admission of sugar duty free from Cuba. That demand, failing apparently to meet the approbation of Congress and the public, was modified and we were then asked for a 50 per cent reduction.

Later, when they found that would not work, they insisted upon a reduction of 20 or 25 per cent. A number of the persons interested, including the present Chief Executive of Cuba, declared that nothing less than 50 per cent would be of any avail whatever to them, adding that they did not desire any help unless the reduction should be equal to that amount. If the newspapers may be relied upon, the President of the new Republic, after reaching the island, announced that 20 per cent might be given, but said that it would be of no particular value to the people of Cuba, adding that they would not consider this question settled with that reduction, but would try to secure a reduction of 50 per cent.

WHAT MIGHT BE CONCEDED.

Mr. President, I want to be frank about this matter, and to say that I believe there might have been a reduction of 20 per cent of the duty on sugar from Cuba to the United States without materially injuring the beet-sugar industry or the cane-sugar industry of the United States, but it could not have been allowed with the statement which has always accompanied the demand—namely, that 20 per cent is only the entering wedge, and the insistence that there must be a further reduction. That statement has been made not only by those who are contending for a reduction of 50 per cent, but by a large number of people who are contending at this time for only 20 per cent.

The people of the State of Colorado this year will make 20,000 tons of sugar, affording the farmer there a better outlook for a paying crop than he has ever had from anything that he has ever attempted to raise. And that remark as to the prospect applies to Kansas, Nebraska, indeed to all of the arid or semiarid region. It is a notorious fact that beets raised anywhere in the arid section, including Montana, Washington, Oregon, Nevada, and California, are better, richer in saccharine, and of higher purity than those grown in any other portion of the world. We would think, if we had to raise beets with no higher percentage of purity and saccharine matter than those raised in some of the European countries, and with no better success, that our country was not adapted to the raising of beets.

INTEREST OF THE SUGAR TRUST.

Hence I say that this question is one of considerable importance to the people of the Western country. Yet, of as much importance as it is, there was a very general disposition on the part of the people in our Western country in the commencement of this discussion to say: "If this thing is absolutely necessary, we are in favor of granting some relief to Cuba; if Cuba is in starving condition, we want the Government of the United States to respond to that demand." But it did not take very long before the intelligent people of that section discovered that the American Sugar Refining Company, or what is commonly called the American sugar trust, was active in supporting and urging the reduction of the duty on Cuban sugar. There was some demand made by the Cubans for a reduction of the duty on tobacco, but if any Senator will call to mind the newspaper discussion of the question of Cuban tariff in the last three or four months he will bear me out that the tobacco question has been practically lost sight of. Why? Because this propaganda in favor of the reduction of the sugar duty was carried on by the American sugar trust, and that their interest was in sugar. Hence, while I do not know how much interest they may have had in tobacco, I do know that the newspapers dealt largely and almost entirely with the subject of sugar.

Mr. President, I presented to the Senate a resolution and asked for an investigation by the Committee on Relations with Cuba, and I desired particularly to have the committee consider the following points:

First. Whether the American Sugar Company had bought a considerable portion of the sugar and had it on hand.

Second. Whether a considerable portion of the sugar raised there was or was not raised by American citizens who were to be benefited, and not Cubans.

Third. What was the cost of producing sugar in Cuba, and whether, if we made the reduction, the Cuban sugar producer really would get the benefit of it, or whether the benefit would go to the American sugar trust, in which I include all of the sugar refining concerns of the United States, without any particular exception.

With reference to the last point, I would say that if the American sugar trust, refining 65 per cent of the sugar refined in the United States, and actually controlling a concern which refines about 12 per cent more, as I understand, thus having the very large part of the refining business, was interested, every other refining concern must also have been interested. So we had every refining concern in the United States, headed by the sugar trust, advocating this reduction, advocating it, first, upon the ground of the necessity to assist the Cubans, and, secondly, upon the ground of an obligation to those people which we had incurred. It should, of course, be added that the scope of the committee's inquiry was materially lessened by the action of the majority, but notwithstanding these limitations enough was developed to show that American holdings in Cuban lands are now enormous and rapidly increasing, and that the American sugar trust joined with the American government in Cuba in this raid upon our tariff system in the interest of Cuban products.

OBLIGATIONS TO CUBA.

Nobody has ever stood up and told the truth as to what that obligation was or is. There have been more misrepresentations and false statements made about that question than are usually made about any subject. We have been told repeatedly in the public press that, in the first place, we had deprived Cuba of her market, the idea being to convey to the American people the impression that when we dismembered Cuba from Spain politically we destroyed her market, which was in Spain. There is not an intelligent man in the country who does not know that at all times when Spain was in control no considerable portion of Cuban products ever went to Spain, and that we did not destroy the market. Nor did we lessen the market in the slightest possible degree. The American market has been the market of the Cubans for all time, and that market we retain to them just as they had it when they were laboring under the burden of a miserable government put upon them by Spain.

I do not think I need to spend very much time on this subject, and I will not do more than say in a general way that this Government has performed every obligation it was under to Cuba. And I desire some Senator to-day, who thinks we ought to make concessions to Cuba, to tell me what is the obligation. No man yet has been able to tell what is the obligation which we have not discharged. We said we would give those people a government of their own. We gave them a government of their own. We allowed them to create it as they wanted it, and we put it in operation, and for the first time in four hundred years there is a government of the people, by the people, and for the people in Cuba.

We were told by some of the Cuban witnesses before the committee that it was vain for us to relieve them of political burdens if we left them to stagger and fall under commercial and economic burdens, as if we had put something on them. They have the American market for their sugar, the market they have always had for it, and they have had it freed of the burdens of taxation which they had long borne.

WHERE THE DEMAND COMES FROM.

The people of Cuba are not so ungrateful as these statements would make them appear. In my correspondence from Cuba—and I have had some letters within a few days—the writers declare to me that there is no distress in Cuba, and that the Cubans are not mendicants at our hands and do not need our assistance. If the Cubans do not need our assistance, whence comes the clamor for it? I assert that it is the American sugar grower in Cuba and the American Sugar Refining Company in this country who have been at the bottom of this effort to change our financial system with reference to Cuba.

Mr. MONEY. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. Certainly.

Mr. MONEY. I should like to ask the Senator from Colorado if he can state to the Senate how much American capital is invested in Cuba, and how much German capital is invested there?

Mr. TELLER. I can not.

Mr. MONEY. You have not the figures?

Mr. TELLER. I will tell the Senator why. I was not authorized in the committee to go into that question, but I can tell the Senator that I will undertake to demonstrate before an American jury, if that can be made so that I can do it, that American citizens to-day own more than three-quarters of the present sugar-producing capacity of that island. More than 75 per cent of it is in the hands of Americans, and American capital has been going in there within the last six months or a year at a rate in which capital has gone into no other section of the Western world.

I wish to say now that Cuba is the richest country on the globe. I was told by a reputable gentleman of high standing in Cuba that two years ago, in 1900, in eleven months the people of

Cuba transmitted from Cuba to Spain a hundred and fifty-three millions of exchange. When I asked why, he said, "The money was mainly owned by Spaniards, and we (he being a Spanish lawyer) did not know exactly what would be the condition here, and we do not propose to take any chances; hence we have sent our money over to Spain."

Mr. MONEY. If the Senator will permit me, I should like to ask him a question for information. When he mentions the amount of American ownership in proportion to the holdings in Cuba, does he mean that the property is owned by Americans resident in Cuba or alien Americans?

Mr. TELLER. There are some residents there calling themselves Cubans who are American citizens, but the greater portion of this holding of which I speak is owned by people who live within the United States, and do not live in Cuba and never did live in Cuba.

Mr. PATTERSON. Speculators.

Mr. TELLER. Speculators in Cuban land. I shall not attempt to tell you about the holdings of these people. If you choose to go to the Commission created by Congress to settle the question as to what is our obligation for the destruction of property during the war down there, you will find that these poverty-stricken Cubans have filed claims against this Government for more than \$60,000,000, and I can point out eight persons who have filed such claims for \$2,500,000 for loss of profit on the crop alone.

I did not get up for the purpose of going into the details of this matter, except to say, and I want to repeat the statement, that I challenge anybody here to show that there is any distress in Cuba. I have the evidence taken before the committee of the House of Representatives, where men who came here and talked about the distress there were compelled before they got through to admit that there was no distress in Cuba.

In addition to the large amount of American capital that is going into Cuba, there has been an immense amount of German capital going in, and also some English capital. Mr. Atkins, a gentleman whom a great many members of this body know personally, who owns or is interested in two plantations there, testified before the House committee that the greater portion of the property of Cuba was held by Spaniards and not by Cubans. That statement will be found in his testimony.

REPRESENTATIONS TO CONGRESS.

In order to make a fair and full presentation of this subject, I ought to have an entire day. I know it would not be proper for me to ask so much time at this period, and so I am not going to do so. However, I do want to call attention to the character of telegrams that were sent here. I started to do that a while ago and was diverted. Mr. Place presented to the committee a telegram, when he came before it, telling about the distress in Cuba. It read:

Crisis more serious every day, calling for immediate remedy. Most energetic endeavors necessary to save country imminent disaster—anything preferable to such a calamity.

BEA,

President Matanzas Board of Merchants.

Here is another from the same place sent to another person:

JANUARY 13, 1902.

Immediate relief to Cuba situation absolutely necessary. Your most energetic cooperation solicited. Situation so serious prompt solution has become a question of humanity.

BEA,

President Matanzas Board of Merchants.

I wish to stop long enough to say that Mr. Atkins, who came here, as he said, for free sugar, and who said that Cuba had to have 50 per cent reduction, at least, if it could not get free sugar, admitted that the laborers of Cuba were getting more pay than the laborers in the Southern States of the United States. He stated that laborers in Cuba were getting from \$23 to \$30 in gold a month, and everybody knows that a laborer who gets \$23 a month in Cuba can live better than a man who gets \$30 a month can live in any part of the United States.

Mr. Corwine, a gentleman from New York, and who, I believe, is interested in sugar in Cuba, came before the committee, and when he got here he had a telegram from some one, saying:

Absolutely necessary something should be done for Cuba immediately. Do not leave any stone unturned in promoting quick action.

He also had another telegram:

You have my hearty support and cooperation in your mission to Washington. Absolutely necessary that something be done immediately in way of reciprocity with Cuba, not only for her sake, but for the manufacturing interests of this country.

JOHN C. EAMES.

Then Mr. Corwine presented another from a Mr. Fuller:

The entire business community of this city are, irrespective of party, deeply interested in securing reciprocal relations with Cuba.

Mr. Atkins said in the course of his testimony:

I do not wish to be an alarmist. I do not wish to say to what extent these disturbances will go; but a people without employment, where the masses are uneducated, as they are in Cuba, always lay their first loss to the government, no matter how good the government may be, etc.

Any Senator who wishes to verify this excerpt can do so by looking at Mr. Atkins's testimony. And before Mr. Atkins left the stand he declared that there were not laborers enough in Cuba to perform the labor that the conditions there demanded. I may digress to say that it is a historical and well-known fact that since we pulled down the Spanish flag and ran up our flag in Cuba 60,000 Spanish laborers have come from Spain on account of the urgent demand for laborers and the good wages being paid in the island of Cuba.

CUBA'S RELATIONS WITH OTHER COUNTRIES.

I wish to make a few remarks about the inability of Cuba to contract with other countries. This condition has been dwelt upon ad nauseam in the public press, and I have had letters from very well meaning people who have said to me that they thought I was cruel when I objected to a reduction of the duty on sugar, as they said, "inasmuch as we have prevented Cuba from making treaties with other nations." That is not true. There is no such prohibition, either direct or implied. I did not believe at the time that the Platt amendment should be adopted.

I think now it was a violation of good faith on our part—an unnecessary violation of good faith, in my judgment. But I said on the floor of the Senate when objecting to it that it was not objectionable because it took away or destroyed the sovereignty of Cuba, and nobody then pretended that it did accomplish that result. That was not my objection, nor was it the objection of anybody else who voted against it. Let us see what we did say Cuba should not do. We said:

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain, by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

That simply was a prohibition in the Cuban constitution, which the Cubans put in, that they would not part with the sovereignty of the island, and it applies to us as much as it applies to any other power. We did not propose to take the sovereignty of the island. The Supreme Court of the United States has already held that the Cubans are a sovereign people, and that so far as we are concerned Cuba is a foreign land.

Mr. SPOONER. Will the Senator from Colorado allow me?

Mr. TELLER. Certainly.

Mr. SPOONER. The Senator has referred to what the Supreme Court has said. I wish to call his attention to the fact that that amendment provided for a permanent treaty between the United States and Cuba, which of course involved independence.

Mr. TELLER. I am coming to that. That is the last thing here—that Cuba agreed that she would ultimately incorporate these things in a treaty with us, which, unless she was an independent power, she could not do.

I wish to say, in order to hasten over this point, that every considerable nation in the world has already recognized the Republic of Cuba. Great Britain has her minister there. France has her minister there. If Spain has not a minister there, she will have. We have ours there. We are not in the habit of sending our ministers to powers that do not have a sovereignty of their own; and if Cuba does not have absolute sovereignty, who has it? We have not, surely.

The next provision was:

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

I understand very well what was in the mind of Senators who insisted upon that provision. There was a large debt that Spain owed and for which she had pledged the revenues of Cuba, and there was some fear in the island and here that some time there might be pressure brought to compel Cuba to adopt that obligation and accept it as her debt. Nobody familiar with Cuban affairs believed Cuba would do it, at least not while the control of the island was in its present hands or in the hands of the people who are there now. Then we declared—

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

We also claimed the right to intervene if we thought intervention was necessary for the maintenance of peace. We intervened when the sovereignty was in Spain, and we can intervene to-morrow if there is disturbance there, without interfering with the sovereignty of the island.

Then we also provided, as the Senator from Wisconsin has called to my attention, that those provisions should be put into a treaty with the United States. There is where we expected to exercise our strong influence over the Cuban people.

The Senator from Wisconsin calls my attention to the fact that our right of intervention was to maintain their independence. That is the reason why we were to intervene. There is no sense in anybody's saying that Cuba can not contract commercially with

any power in the world as she sees fit. She may have a tariff on imports that will give to Great Britain an advantage that she denies to us. I hope she will not enter into such an arrangement, but she may do so, and we can not complain if she does. That is, we can not legally complain. I think perhaps we might feel that we had some good ground of complaint.

NO DISTRESS.

I repeat that there is no distress in Cuba. I had a letter from a gentleman giving a very careful detailed statement to me of the conditions there, written after three years' residence. It is a private letter and I do not care to introduce it, but it is in accord with other letters I have received. In that letter the gentleman said that it was the finest place in the world for American capital and American enterprise, and I have no doubt it is.

I have here in a pamphlet a few things to which I should like to call attention. I am not going to read the entire paper, but I wish to read certain extracts, and have them appear in the RECORD for the benefit of those who do not have the advantage perhaps of looking at all these documents. There came before the committee of the House of Representatives Colonel Bliss, who had been the United States collector at Habana. Colonel Bliss, who is an officer of high character, was asked this question: "Is there any distress at the present time in the island of Cuba?" His reply was: "No, sir." Being asked if the people were all employed, he said they were, and added: "I should say there was no distress whatever, from all I have seen."

Then again he said, when asked about distress:

I have not spoken of distress except to deny that any existed so far as I knew. It is a long time since I have seen anyone begging on the streets, or anyone who wanted work who was not at work at good wages.

That was on the 25th of January last, before the House committee.

On the 27th of January what I am about to read appeared in one of the great dailies of this country, the New York Tribune. I do not mean to charge that the New York Tribune had any especial purpose in publishing it, but I do mean to charge that there was a propaganda here securing the publication of just such statements, and that the American sugar trust was furnishing in part, at least, the money to procure such fraudulent and false statements. Speaking of Cuba, on the 27th of January the New York Tribune said:

The public misery is terrible. Municipal council requests your support for speedy solution of economic problem, to avoid awful condition of hunger and calamities which will occur if efficient remedy is not furnished. Laborers without work; there are no industries; commerce is ruined. Cuban people expect that the United States, the arbiter of this situation, will make of Cuba a happy country, and not a land of mendicants.

That was published in one of the great newspapers of the national metropolis as late as January last. Senators can imagine how thousands of good American citizens would feel when they saw that, and then heard that I and others were objecting to the relief of Cuba, which we were charged with doing because we were not willing to change our economic laws to meet the demands of the so-called appalling condition of the people of Cuba.

Mr. Hawley, formerly a member of Congress, who had gone to Cuba and bought for himself and associates there a large principality of 60,000 or 70,000 acres of land or more, said:

And anybody who comes there will be a competitor in the field of labor, and as all these people are now employed, how can they be distressed and starved?

He was before the House committee asking for a reduction of the tariff. The question was that of distress, and to that he replied: "Who has said they are? Who has said they are starving? Nobody before the committee."

Mr. L. V. de Abad, who was a self-constituted commissioner from Cuba and who has repeatedly, if the newspapers do not do him an injustice, said that no government could be maintained in Cuba unless we made a concession to Cuba on the tariff, admitted before the House committee that he was a sugar grower with sixty or seventy thousand acres of sugar land. The question was this:

Then there is no suffering among the laboring classes, is there?

He replied:

No; that is not the case, because living in Cuba is very high; it is very expensive.

Then he was compelled to add after stating this:

The situation in Cuba to-day is that they have not enough laborers to do the work.

Mr. President, who ever heard of a starving population where there is a demand for work beyond the supply?

The New York Tribune again on the 2d of February had the following:

HABANA, January 21.

Cuban workmen's situation more pressing than ever, owing to economic crisis. Tariff concessions much wanted. Cuban Workmen League, composed of 10,000, appointed Commissioners Gamba, Place, Mendoza, their representatives, and respectfully urge you bring influence bear on Congress in order to remedy immediately evils before it is too late.

WORK AND WAGES IN CUBA.

Mr. Mendoza, one of these commissioners, said before the House committee:

There is plenty of work for the workmen in Cuba to-day.

And when the question arose in that committee whether Cuba could double her output of sugar, which somebody had said they could do, Mr. Mendoza and Mr. Atkins and Mr. Place and several other Cubans declared that that was impossible, because the labor could not be had. Mr. Atkins said:

In my section I pay \$23 for a month of twenty-six working days. Mr. Kelly has to pay \$1 a day.

The price of labor in Cuba is in excess of the price of labor in the Southern States.

He is the owner of a plantation of 14,000 acres and is interested in it.

Mr. Kelly, who is the owner of a plantation of 9,000 acres, said:

In our end of the island we are paying an average of \$30 a month.

Mr. JONES of Arkansas. What is the date of that statement?

Mr. TELLER. That statement was made on the 15th day of January.

Mr. MONEY. If the Senator will permit me at that point in his speech, if it does not interfere with him at all, the statement made by those two gentlemen as to the wages in Cuba compared with the wages of Southern agricultural laborers is made in ignorance of the character of wages of the Southern farm laborer. It is true that in some parts of Cuba that may be true, but the average wages for farm labor, not engineers, or machinists, or mechanics, is about \$20 a month; but in the South there are no money wages paid at all for farm laborers, but it is a part of the crop that they get, and the crop is one that takes the whole year to make and market. The workmen live on the place and stay there the whole year, and receive part of the crop for their labor.

Mr. TELLER. Mr. Place said that they paid in his part of the island \$22 and \$24 a month, and the evidence is that they paid as high as \$30 a month. They make two crops down in Cuba where they make one in the South, and in Cuba there is a longer season to work.

Mr. MONEY. Excuse me, they do not make two crops of sugar per annum in Cuba.

Mr. TELLER. They make a crop of something else besides sugar. They have a season practically twice as long as we have in the Northern States.

Mr. MONEY. The Senator will permit me to say that they make but one crop of sugar.

Mr. TELLER. Of course.

Mr. MONEY. And on that land they raise nothing but sugar. They do not plant, on an average, more than once in fifteen years.

Mr. TELLER. This demand for reciprocal relations with Cuba is not to be confined to sugar. That has been particularly pronounced because of the hand the sugar trust took in it. What the Cuban is demanding includes tobacco and vegetables, the citric fruits, everything that we grow in the semitropical region of the United States.

I wish to read what Mr. Hawley said. I am now reading from one of the documents I have asked to have published, and I wish to say that in every case where we called witnesses who made reference to the statements of others as to the statements of Mr. Hawley and Mr. Atkins, the page is given in the report of the evidence so that it can be readily found. Mr. Hawley said, on page 372 of the House report, on the 24th of January:

All that seek employment are employed.

Mr. Atkins said, on page 15, on the 15th of January:

The men are not to be had, and in order to increase the cane crop of Cuba, I think you would have to import the labor to make it.

Under normal conditions, sir, the labor in Cuba is not sufficient to go around.

Mr. Rabidan, who was one of the Commission, said:

Since the American occupation there has been a Spanish immigration of 60,000 laborers.

I have asked for the printing of the document from which these extracts are taken, and therefore I do not care about reading any more from it.

THE HOUSE BILL.

I wish now to call attention to the bill which passed the House of Representatives to provide for reciprocal trade relations with Cuba. Without reading it, I ask that I may put it at the end of my remarks as it passed the House. [See Appendix.] This bill provides for a reduction of 20 per cent in the duty on raw sugar coming from Cuba to the United States. It also provides for a tariff reduction which is equivalent to about 12½ cents per hundred on refined sugar, which is called the differential. It further provides that this reciprocal relation shall not take effect until such time as Cuba shall enact immigration, exclusion, and contract-labor laws and shall enter into a commercial agreement with the United States. I hardly know what is meant by the bill's reference to "exclusion" laws, but I suppose it means that Cuba must adopt the Chinese-exclusion law. They have now about

20,000 Chinamen in the island, according to the testimony of Mr. Atkins. I supposed there were more, but I am taking his statement. Last year there was an immigration of seven hundred and some Chinamen into Cuba. There is no law to prevent their going in.

Up to the time that this bill passed the House it had been very acceptable to the sugar trust, but I think that when the 12½ cents a hundred was taken off the duty on refined sugar there was a great and immediate falling off of interest on its part.

Mr. SPOONER. And the beet-sugar people, too?

Mr. TELLER. No; not on the part of the beet-sugar people. We offered to accept that bill if the advocates of reciprocity, as presented, would take it.

The evidence we took before the Senate committee will show that the American Sugar Company or the Havemeyer Company, through their regular officers, were preparing articles that appeared in the public press, and also preparing pamphlets and publishing in what are called the "patent-inside" papers professed editorials describing the necessity of immediate aid to Cuba because of her distress. It will also appear from Mr. Thurber's evidence before the committee that when he went to Mr. Havemeyer Mr. Havemeyer handed him his check for \$2,500.

Mr. Thurber was employed by the military government of Cuba, and admitted before the committee that he had published three editions of 80,000 each, addressed "To the Best Thought of the United States," and paid for, he said, by the Cuban committee. Since he went home he has remembered that instead of three there were four of those editions. I hold in my hand a copy of his letter saying that he had overlooked the fact that there was a fourth edition and admitting that there were four.

Mr. MONEY. Paid by the committee?

Mr. TELLER. Oh, no; these bills were paid by the military government of Cuba. When he was before the committee he said he thought the advertising had been paid for by the Cuban committee. That committee had paid part of his expenses, but the military government had also paid part of it. He then said there had been three payments by the government of \$2,880 each, but on returning home he found that there was still another payment to be accounted for, and that eleven thousand and some odd dollars had been paid by the Cuban military government for the purpose of reaching "the best thought" in the United States and showing the necessity of immediate relief. I think it well to print here the text of Mr. Thurber's letter to make the record complete. It is as follows:

UNITED STATES EXPORT ASSOCIATION,
New York, June 20, 1902.

Hon. O. H. PLATT,
Chairman Committee on Cuban Affairs, Washington, D. C.

DEAR SIR: In examining the publication work which I did in connection with securing a reduction in the tariff on Cuban products, I find that there was one edition of 80,000 documents paid for by the United States military government of Cuba, which I supposed was paid for by the Cuban committee, making four instead of three editions paid for by the military government, as I testified when before your committee.

I therefore wish to have my testimony amended in this respect, or, if it is too late to do this, kindly have the above correction printed in connection with my testimony; also, will you kindly inform Senator Teller.

Yours, very truly,

F. B. THURBER.

IN CASE OF A TREATY.

Mr. President, I want to say a word or two about the impropriety, as it seems to me, of our giving a concession of this kind to Cuba. We allow Cuba to have labor laws to suit herself while giving a reduction to our Asiatic subjects of only 25 per cent and enforcing our labor laws there. I need not dilate upon that. I think any Senator can see the impropriety of it. I am admonished that I ought not to take too much time on this matter.

Mr. MONEY. You have plenty of time.

Mr. TELLER. I do want to say a word or two, though, Mr. President, about the labor of Cuba. We are told by the public press that while no effort will be made at this session to secure any concession in the way of a reduction of duty, at the next session of Congress we will be met with a treaty. I want to say that I think it will be exceedingly unfair to the American sugar growers, whether cane or beet, to make any concession to Cuba and allow Cuba to maintain her present labor laws, to do her work with Chinese labor and menial labor of that class, and expect the American sugar growers of Colorado, Kansas, or Louisiana or Texas to compete with their cheap Chinese labor. I hope that the friends of concession, if they are going to present such a scheme to us at the next session, will be wise enough to see that it contains a provision that Cuba's labor laws must be like unto our labor laws.

IS THE TARIFF TOO HIGH?

I wish also to say a word about the reduction of duty on sugar. I have been told by a number of gentlemen, and I have seen the statement in the public press, that the sugar duty is very much too high. Possibly that is true. It was not thought too high when the Dingley tariff bill passed. Nobody then suggested—at least, the friends of the bill did not—that the duty was too high, and

this proposition to reduce the tariff on Cuban products has not come from the men who complained of the high tariff in the Dingley law.

I think all will agree that perhaps the present tariff is unnecessarily high upon some articles. So far as I am concerned (and of course I speak for myself only on this matter), I am quite prepared to join our friends on the other side of the Chamber in a proper reduction of tariff to meet the changed conditions since 1897, when the Dingley bill was passed. But, Mr. President, I do not intend, while I stay here, to give my approval to a reduction upon the only article on which the American farmer has any real protection.

You have gone through the form of putting a tariff upon wheat. Everybody knows that it cuts no figure in the affairs of this country whatever. Here is an article that the farmers in 24 States can raise with profit—beets that make sugar—and now the purpose is to take the tariff off sugar and maintain the tariff upon steel and a hundred other things that the farmer has to buy that have risen in price since the tariff law was passed, I think, from 25 to 40 per cent. The farmer pays for every pound of steel, of nails, of iron, that he buys from 25 to 40 per cent more than he paid when the Dingley law was enacted. When you are ready to take 25 per cent of the duty off of your steel and iron and come to us, I say, as a representative of the sugar growers of the West, that I will agree for my people that we will take a like proportion off the duty on sugar. But I mean to see that you do not get it off of sugar unless you get it off of other things. A prominent member of your party in the House of Representatives said this ought to be entitled "A bill to protect the trust at the expense of the American farmer," and that is what it is; that is its purpose.

Mr. President, we can make all the sugar that we need in the United States, provided we can have a fair degree of protection, a protection on lines of equity with every other article that is protected. We do not ask any more protection for sugar than we will give to cotton cloth and every other thing that is manufactured in the United States, but we do insist that there is a reciprocity in protection which must be maintained. There must be a relative relation to one article with others in the way of a tariff, and that we are going to insist upon. We can not make sugar in the United States if you take off 50 per cent of the tariff. There is not a manufacturer of sugar in the United States who will not shut up with 50 per cent reduction on the present sugar duty unless you should choose, as we did some years ago, to offer a bounty.

A BOUNTY TO CUBA AT OUR EXPENSE.

I am not a free trader, Mr. President, myself. I belong to the old early school that believed in protection to a degree that equalized conditions. As we paid more for our labor than they paid in other countries, as capital was higher with us, we wanted to put our people upon an equality by giving them the benefit of a fair tariff.

The worst free trader I ever knew in my life never proposed a thing so infamous and so partial as that bill proposes. It is not simply to take the tariff off of sugar; the proposition there is to take out of the pocket of the American sugar grower 20 per cent of his protection and hand it over to his competitor. It is, in other words, Mr. President, an attempt to give a bounty to the sugar grower of Cuba. If any man can defend it on the lines of protection or within the lines of decent free trade, I have yet to hear him do so.

We can not raise sugar if we give a bounty to sugar grown in Cuba or anywhere else outside the United States, and that is what is proposed. Then you wonder why the people who raise sugar in Louisiana and Texas and in Colorado and Kansas and Michigan do not submit to so trifling a reduction as 20 per cent, when that 20 per cent taken from us is to be paid to other people, according to your theory, and according to mine to be paid to the great American monopoly, the sugar trust.

EFFORTS TO DESTROY AMERICAN SUGAR MAKING.

Last year the American sugar trust went into the Missouri Valley country and put their sugar on the market at a cent and a half a pound below the price for which it was selling in the city of New York, where the refineries are located. They expected by that means to destroy the sugar industry in the West, and they made their boast that they would do that. They put great quantities of sugar on the market and compelled the beet-sugar refiners in the Western country to store their sugar, and they are storing it yet. They made no secret that they intended to destroy the beet-sugar industry of the United States. Mr. Atkins said before the committee of the House of Representatives that he did not believe in encouraging the domestic production of sugar; that we ought to buy our sugar of Cuba. That statement, of course, was made because he raised sugar there.

There are a dozen men connected with the great sugar trust who have great plantations down in Cuba. We have a letter

which was presented to the committee from one gentleman who said that he had bought 150,000 acres of Cuban sugar lands within the last year. A gentleman connected with one of the great railroads in this country has admitted that he has bought 64,000 acres in Cuba within a year. There has been not one such purchase only, but a dozen or twenty such purchases. Those men have not gone into this business in a very small way. This is the day of large accounts and great transactions, and the new plantation in Cuba which does not contain 75,000 or 100,000 acres—and they do not always know how many acres their plantations contain—does not amount to anything. To one gentleman who came before the committee, I said: "You have been buying some sugar lands down in Cuba." He said: "Yes; not my company, but I have joined with some other gentlemen in buying sugar lands there." I said: "How much have you bought?" "Well," he said, "I do not know; it is between 70,000 and 90,000 acres; but I do not know the exact amount." "What did you pay for it?" I asked. He replied: "In the neighborhood of \$400,000."

Why, Mr. President, sugar lands have been bought in Cuba for a dollar an acre, and yet the very men who have gone down there and bought those sugar lands and invested thousands and tens of thousands of dollars in land and in buildings for making sugar come up here and tell us that, unless we change our economic system in this country to meet conditions in Cuba, they will lose money.

Mr. President, sugar can be made in Cuba for a cent a pound. If the Committee on Relations with Cuba had allowed me to go into that question, I should have proved beyond question that for between 1 cent and 1.35 cents the great body of sugar produced in Cuba has been made.

SUGAR TRUST HOLDINGS.

I beg the indulgence of the Senate for a few moments that I may call attention to one other phase of this question. The evidence taken before the committee shows that Mr. Havemeyer, the head of the American sugar trust, and his friends and people who are more or less connected with them in the production and refining of sugar, own 13 enormous sugar estates in Cuba, covering over half a million acres of sugar lands, each estate equipped with an extensive sugar factory. While but a small per cent of their lands is now in sugar cane, their production is nearly 190,000 tons. A tariff reduction of 20 per cent would mean for them a profit of \$1,425,000 a year.

The testimony also shows that Americans, principally residents in the United States and Europe, own 1,500,000 acres of cane land in Cuba, of which 330,000 acres are or have been in cane, capable of producing 825,000 tons of sugar, and the proposed reduction of the tariff on that production would give something over \$6,000,000, an absolute gift, Mr. President, to these Americans who are raising sugar in Cuba, provided that it is not taken and absorbed entirely by the refineries of the United States.

I think it is certainly safe to say that none of the proceeds from this reduction of five or six million dollars will reach the poor people of Cuba. There is a gentleman by the name of Newman Terry residing in Paris who is a citizen of the United States, who is a large property owner in Cuba, and who has filed immense bills against the Government before the Spanish Claims Commission. He has factories in Cuba on his several estates, which it is said are capable of producing 47,000 tons of sugar a year. He alone would receive, if the reduction inured to the benefit of those who make sugar, \$357,000 of this 20 per cent reduction.

Mr. Terry has filed a claim against the United States Government for \$2,754,302 for losses sustained on his several estates by reason of the Cuban war. He is said to live in Paris, and to expend at the rate of half a million dollars a year. He is one of the people who will receive the benefit if this reduction goes to those who raise sugar. Indeed, if the benefit of the reduction goes to the people who raise sugar, 75 per cent of it will go to American citizens, and more than \$3,000,000 will go to persons who live in the United States and make sugar in Cuba.

AMERICAN CONSUMPTION OF SUGAR.

Now, sir, in my judgment, every interest of the American people demands that we should encourage the making of sugar in the United States. I have here a statement of the amount of money we have paid for sugar in twelve years. This is the amount we paid for foreign sugar, and at the wholesale prices of sugar, which has come into the United States in twelve years. The total for twelve years is \$1,160,283,667. The table is as follows:

Value of sugar imported into the United States from 1890 to 1901, inclusive.			
1890.....	\$96,094,532	1897.....	\$99,066,181
1891.....	105,728,216	1898.....	60,472,749
1892.....	104,408,813	1899.....	94,964,120
1893.....	116,255,784	1900.....	100,250,974
1894.....	126,871,889	1901.....	90,487,800
1895.....	76,462,836		
1896.....	89,219,773		
			Total for 12 years.....
			\$1,160,283,667

Every year our consumption of sugar grows larger and larger. Dr. Wiley, the chemist of the Agricultural Department, esti-

mates that in 1911, nine years from now, the consumption of sugar in the United States will be 3,333,500 tons. Reckoning the retail price at 4 cents a pound, which is less than is now being paid, the American people will pay for this item of food alone \$298,000,000. The estimate of Dr. Wiley is made upon the continued increase of consumption by American citizens during the last twenty years. He expresses the opinion that in 1921 our consumption of sugar will be 4,723,500 tons. I want to say that this calculation is not based upon the average increase for twenty years, which is nearly 7 per cent, but Dr. Wiley has cut it down to 4½ per cent, thinking, perhaps, that in the future the increase might not be so great; and yet at 4 cents a pound the cost to the American people will be \$453,000,000.

Mr. President, I want to know whether anybody believes it is good policy for us to discourage the production of American sugar on the American Continent; whether it is well for us to depend upon foreign markets for one of the great food products of the country? We are consuming now about 66 pounds of sugar per capita per annum. We ought properly to consume at least 90 pounds per capita, which is the amount of English consumption. I admit that a good deal of the English consumption arises from the fact that they use large quantities of sugar in the making of preserves, marmalades, etc. We ought to do that also; and with the enormous amount of fruit raised in the United States we ought to consume at least as much sugar in proportion to population, and produce as much of that character of goods as any other people in the world.

Sugar has become a necessity; it is no longer a luxury. France has adopted the use of sugar in her army. After a very careful trial of its effect upon the soldiers, the French Government has determined that it is a valuable food product for the army, and has adopted it as one of the rations that it issues. We shall ultimately do the same, because it has been discovered that sugar is a heat-giving product, and that soldiers who use it can endure more than soldiers who do not use it, although the latter may live upon a heavy meat diet.

EXTENT OF OUR CUBAN TRADE.

Mr. President, the question is, are we as a people to make our own sugar, or are we to have it made by a foreign country upon the statement that we will secure trade with Cuba when Cuba sells us sugar? Why, Mr. President, the trade with Cuba is of practically no value to us as a nation. Last year we bought of Cuba about \$31,000,000 worth of sugar, and that is the largest amount we have bought in a good many years. We sold Cuba about \$27,000,000 worth of products. We bought a little more from Cuba than we sold her because we bought tobacco of her. Our total imports from Cuba were \$46,000,000, and our exports were \$27,000,000 in round numbers. Why, sir, the trade of Colorado with New England and New York is worth twice as much as the trade with Cuba is worth to the entire nation.

When the time comes that the American people will be producing \$400,000,000 worth of sugar, the vast sum that is now paid out for foreign sugar will then be paid to American labor for the maintenance of American homes. And yet the Cuban reciprocity bill, which came to us from the House of Representatives and which found its tomb in the Senate Committee on Relations with Cuba, is based upon the theory that we are not to make our own sugar, but that it is to our interest to let the Cubans make it, and that we shall sell to Cuba whatever we can.

I want to add to what I have said a definition of reciprocity from a Republican authority, *The Economist*, a paper which has been published for many years in the interest of protection. It is as follows:

A DEFINITION OF RECIPROCITY.

With a candor altogether commendable, the Nashville News asks and answers the question, "What is true reciprocity?"

"To tell the truth, reciprocity is a sorry substitute for free trade. In theory complete reciprocity means free trade, or, in other words, it means the mutual removal of restrictions upon trade between a country and other countries with which it has to deal in a commercial way. In practice reciprocity is not complete. It consists only in the partial removal of restrictions on trade between two or more countries."

A better definition of reciprocity from the free-trade point of view could not be asked. Reciprocity is good as far as it goes, but it does not go far enough. It "is a sorry substitute for free trade," a mere makeshift. In the opinion of the News, it is also a trouble breeder.

Let the United States enter into a reciprocal agreement with a favored nation in regard to one or more products, and what is the result? Trade between the two countries may proceed smoothly enough, it may increase in accordance with expectations, but other nations become dissatisfied. They demand concessions, and if their demands are not granted retaliation tariff wars are set up, for the tariff game is open to all. Then, with high tariffs with some, low tariffs with others, and no tariffs with still others, and with high tariffs on certain articles and lower tariffs on others, the whole tariff schedule and the whole tariff question becomes more complicated and confused than ever. The attempt to carry out the idea of reciprocity usually causes trouble. It will engender commercial wars and sometimes worse. It is said that one of the principles inculcated by the reciprocity advocates in the Republican party is that the duties should be increased to a very high rate in order that they may then be lowered in return for concessions from the nation to which we offer the benefits of reciprocity. This large margin is called the bargaining power. Such a policy is unworthy of statesmen.

There is much force in the contention that any scheme of bargain-counter

tariffs is certain to be attended with more friction than advantage; that, so far from conducting to universal peace in trade and commerce, it is certain to provoke and promote commercial warfare. Whether we make ducks or drakes of our tariff system through special trade treaties, or through the adoption of the maximum and minimum juggle, the result must always be the same—namely, trouble. The wiser plan is to leave our tariff system as it is until we get ready to sweep away all tariffs.

I wish Senators would take the pains to look at the testimony taken before the House Committee on Ways and Means, and also the testimony taken before the Committee on Relations with Cuba of the Senate at the latter part of this session, so that if at the next session of Congress there shall be an effort made to reduce the duty on sugar the Senate will be prepared to consider it.

I should like to say again that I shall be quite ready myself to join my Republican friends in any proper reduction of the tariff that shall include sugar as well as anything else, but I am not going to agree, if I can help it, to reducing the duty on the only article in which the American farmer is directly interested and keeping up the duty on everything else.

Mr. PLATT of Connecticut. Mr. President, I regret that at this period of the session, when we are all looking to an early adjournment and when business is pressing so that every Senator feels the pressure of it, upon a bill for the consideration of which the Senator from Pennsylvania [Mr. QUAY] had obtained unanimous consent, the Senator from Colorado [Mr. TELLER] should have thought it necessary to occupy so much of the time of the Senate as he has occupied in an attack by the beet-sugar trust upon the sugar-refining trust. It is outside of the question whether this country ought to enter into close and closer reciprocal arrangements for trade with the new Republic to which she has given birth and which for good or for evil is to be our immediate neighbor; and no discussion like that we have listened to this afternoon, no effort to excite prejudice against a sugar trust, no effort to make the community believe that any such reciprocal trade arrangement would injure the beet-sugar industry of this country is going to affect very much one way or the other this issue. It is made up; and from such statements as have been made here this afternoon, largely based upon the speculative imaginings of a witness employed by the beet-sugar lobby here, I appeal to the American people.

They understand this question. They understand perfectly well that no arrangement which has been proposed for extending American trade into Cuba and aiding Cuban trade within the island is going to hurt the beet-sugar industry of this country one particle, and the Senator himself acknowledges it. The Senator said that if the friends of beet sugar could have been sure that there would have been a reduction of only 20 per cent on Cuban sugar they would not have opposed it, because they did not suppose it would interfere with their industry. Why, then, all this talk to which we have listened this afternoon? No; this question—

Mr. TELLER. I want to interrupt the Senator to say that when he gets through I will make that statement correctly. He does not make it correctly.

Mr. PLATT of Connecticut. I do not wish to misquote or to misapprehend the Senator, and I will wait for him now to make his statement.

Mr. TELLER. Go on. I will tell you when you get through.

Mr. PLATT of Connecticut. That is certainly what I understood the Senator to say.

But this question is above any such considerations as have been presented to the Senate this afternoon. It is a question of political policy for the United States, and the most important question of foreign policy or domestic policy, outside of the immediate continental area of the United States, which has been presented to Congress in many a year.

For three-quarters of a century the question, What was to be the future of Cuba—what was to be its future attitude to and relations with the United States—has engaged the attention of the wisest and ablest and most farseeing of our statesmen and public men. Everybody has seen and everybody knows to-day that there is just one question, as there has been but one question, before the American people with regard to our neighbor, now a neighboring Republic. It is this: Whether Cuba is to be occupied and governed by a friendly power, so that it shall be in time of trouble an outpost of our defense, or whether it is to be in the hands of an unfriendly and hostile people, until for self-defense the United States must needs take possession of it and incorporate it into our system.

In my mind it is not so much a question of relief for Cuba, though I think, notwithstanding all that has been said by the Senator from Colorado, that events in the near future will show that the condition of Cuba is such that it would have been not only an act of generosity but an act of wisdom to have extended some relief to Cuba. It is more than that. It is protecting the United States in one of its most vital points. It is an act of self-defense for the United States that, in the language of President McKinley,

we should see that with our close neighbor, Cuba, we must be close friends. I have not the time to extend these remarks so as to follow the Senator from Colorado in all the statements he has made, and I do not stop now to dwell on the commercial importance of close and closer trade relations with Cuba.

I do not stop to dwell upon the fact that there is in this whole world to-day no place where we can so quickly, so surely, and so largely extend our foreign trade as in the island of Cuba. I could demonstrate it if I had the time. But I simply want to protest here to-day that this question will not down before the American people because some have seen fit to try to make it revolve around a prejudice against the sugar trust in the United States, or because some people have unjustly and, as I believe, without foundation, tried to convey the idea that by this means there would be some destruction of or injury to the American beet-sugar industry.

Seventy-five per cent of the people of the United States, unless I am mistaken, are going to be disappointed and chagrined and humiliated because Congress is going to adjourn without having acted upon this very important question. That humiliation, that disappointment, and that chagrin will not down, Mr. President. The people of the United States see through all these things and are not going to be diverted in their sense of what we, in justice and self-interest, owe to Cuba and ourselves in this matter, by anything which may be alluded to for the purpose of obscuring the real issue in this matter. That sentiment will grow, as it ought to grow.

I do not know, Mr. President, that I care to say more in this matter. I desire to say here that from the day Cuba came into our military occupation I have seen or thought I saw that there could be but one ending to this matter—either that we must come into such economic relations with Cuba as would give that Republic, created by us—in a measure shut off from profitable communication with the rest of the world—such fair prosperity as would produce contentment and happiness and affection for the United States, or on the other hand such a condition in Cuba as would eventually compel us to accept at the hands of the disappointed people of Cuba an offer for annexation to the United States.

I regard that, Mr. President, as the greatest peril which to-day besets our Government. I can think of no future danger to be so much apprehended as that. When we begin to annex to our country foreign territories with foreign inhabitants, inhabitants alien to our race, to our habits, to our customs, to our traditions, and to our institutions, with the near certainty that statehood is to follow, we shall have taken the first step, in my judgment, toward the demoralization, if not the disintegration, of our republican institutions. I want it to end by the maintenance in Cuba of a friendly, affectionate, independent republican form of government, whose people will know that they can always rely upon the United States in an emergency to continue that independent, republican, and affectionate government.

Mr. President, I think we have come to a crisis in our affairs. I think we have one plain duty, and that is so to treat Cuba, with reference to her commercial relations to the United States, as that we may make and keep her our friend. I stand for a permanent republic in Cuba. If the amendment, which I had the honor to present to the Army bill at the last session, meant anything it meant that Cuba was not only to have its independence, but that the United States stood and would stand ready at hand to see that that independent and republican government was permanent in the island of Cuba.

I am not going to talk about whether there is distress in Cuba. Time, and time not very remote, will show; but I do believe that the best interests of that people and the best interests of the United States, the best interests of that Government and of our Government should lead us to such close reciprocal, commercial, and political relations as that we shall always be friends and shall not be called upon to absorb Cuba.

Mr. TELLER. Mr. President, I do not know whether the time has quite come when the Senator from Connecticut [Mr. PLATT] can lay out for me what shall be my course; but I think that while I remain in the Senate I shall exercise my judgment as to when it is proper for me to take the floor to speak upon a subject. I will hardly ask permission from the Senator from Connecticut.

Mr. President, if we owe anything to Cuba, we owe it to all the Southern Republics. We owe it to Mexico; we owe it to Guatemala, Costa Rica, Colombia, and the whole line of Spanish-speaking people in the Western Hemisphere. The Senator did not have time to tell us why we owe anything to Cuba. Of course, he calls attention to the fact that there is a place for us to extend our commerce. That is a second thought in connection with this question. There was no suggestion six months ago that it was necessary to extend our commerce in order to help Cuba. We were to help Cuba because she was in such dire distress; and when it was proved that there was no distress there, that there was no foundation for that statement, then the Sena-

tor and his confreres shifted their position and concluded it was a great question of domestic policy for us and for Cuba that we should enter into this reciprocal arrangement and expand our commerce in Cuba.

The population of Cuba is not very much different in size from the population of Michigan. Michigan has a very large industry threatened by this sort of legislation, and her commerce with the other States that deal with her is worth more in one single year than Cuba's commerce would be worth in ten. The population of Colorado is a little more than a third of the population of Cuba. We consume more every year of the things that New England and the other sections of the country produce than we do not produce than Cuba consumes in a single year.

ANNEXATION A BABY CRY.

Mr. President, the Senator now thinks to frighten us by suggesting, and we have had that ad nauseum, that if we do not yield to this demand we are going to annex these people.

That is a baby cry, if I may say it without being offensive. It is childish. I would infinitely prefer to have close political relations with those people if we are to have commercial relations of the character that the Senator proposes. We would then have some control. He does not propose any control over anything of importance.

I wish to say here that I have been connected with the investigation of this question now for two months. I know very well that this movement was never started by anybody who wanted to help Cuba. On the contrary, it was started in the interest of American holders of land in Cuba. It started in the interest of the great American sugar trust, and if there is a public sentiment, as the Senator from Connecticut says there is, if it is true that 75 per cent of the people of the United States are in moral distress because we have not come up to the great duty we owe to Cuba, it is because they have been deceived by purchased newspapers and by published falsehoods that have been sent out and paid for either by the money of Cuba or by the money of the sugar refiners of the United States.

Now, the Senator talks about the beet trust. He knows just as well as I do that there is not a beet trust in this country, and there never has been. He knows that is not a fact. There never has been any beet trust.

I do not want to debate this question with much warmth, although I must say that I do not think that under the pretense of helping Cuba we ought to undertake to help somebody else. I want to know why the people who live in the United States and produce more than one-half the sugar of Cuba should be paid a bounty, and a bounty, too, that you propose to take from the American sugar producer. If you took the money out of the Treasury of the United States, the process would be objectionable, but it would not be so objectionable as it is to take it from the beet-sugar makers alone.

Mr. President, the Senator from Connecticut seems to think the moral sense of the country is shocked by the failure of this legislation. I want the Senator to tell us why in the name of common sense there is not a bill here for this purpose. Why is there not a bill before the Senate? Why has the bill not been reported from committee? There would have been a bill here, the bill which came from the House would have been here if that body had not taken off the differential duty on refined sugar. If the sugar trust had not got a lick of 12½ cents a hundred on its refined sugar the bill would have got out of the committee and would be now in the Senate. That is the reason why it is not here now. We on this side were prepared to take that bill as it came from the House, and we will take it now, if the professed advocates of reciprocity will let us have it.

I did not say, and the RECORD will not show that I said, that a reduction of 20 per cent would not injure us. I said we would have conceded that reduction if we had known that the reduction would stop there, even if it did hurt us, and if we had believed that the people of Cuba were in such distress as that it was necessary to make the concession. When we were appealed to to help suffering Cuba a good many on this side of the Chamber replied, "You can take out of the Treasury money and vote it to Cuba if you will see to it that it reaches the Cuban sugar growers and not the sugar trust," and such a measure could have been passed if the Senator from Connecticut had been as anxious to pass that bill as he now seems to be to pass his own bill. You could have passed a bill here that would put into the hands of the present Executive a sum equivalent to the total that would be represented by the reduction you proposed—20 per cent or 25 per cent—to be paid out to the actual producers of sugar in Cuba—Cubans—and not to great syndicates and trusts in the United States.

The truth is the anxiety and the power back of it have not come from a desire to help Cuba. It has been a desire to take care of the people who have gone from the United States down there and bought land; to take care of American citizens living in the United

States and holding interests in Cuba. It has been their influence which has been felt here, and it is not the sentiment of the American people, in my judgment, that we owe anything to Cuba any more than we owe something to Guatemala or Mexico or any other of the Republics of the earth.

Mr. President, I want to say another thing while I am on my feet, and I think I say it with some knowledge of the conditions in Cuba. The great mass of the people of that island do not want to be annexed to the United States. The men who would not take Cuban citizenship and who have maintained their citizenship with Spain want the islands to be annexed. Also the men who have gone down there from this country and bought hundreds of thousands of acres of cheap land favor annexation, that they may exploit their purchases. Those are the classes of men who want annexation. The men who carried the banner of Cuba and fought Spain do not want it, and they would not have it unless you forced it on them, and you could not do that without a war. There is no danger because we do not give them a reduction of 20 per cent in the duty on sugar that they will come to us and say "you must admit us into the Union." If they do come it will be for us to determine whether we are to admit them or not.

Mr. President, I am not one of those who are very much frightened about the admission of Cuba, as the Senator appears to be. I do not want to admit Cuba. I do not believe it would be profitable for Cuba or for our own people to make Cuba a State in the Union to-day. I do not believe it would be profitable for us to make the Philippine Islands a State or several States in the Union. I want to see Cuba have a government of her own, and she will maintain a government of her own if she is not interfered with by people from this side. If you will keep hands off of Cuba, and if the men or combinations of men who have gone down there and bought 100,000 and 150,000 acre tracts of land will be kept from dominating the conditions in Cuba you will have no application whatever for annexation from Cuba.

I think when that application comes, if it does come, we will probably have virtue enough in the United States not to admit Cuba if it is not for our interest to do so. I do not think it is necessary that we should change our tariff laws and that we should encourage competition with our sugar growers by the people of Cuba by giving them a bounty of 20 per cent over anybody else in the world so that they might compete with us in order to prevent Cuba from going into disorder. I think that view is a slander upon Cuba, Mr. President. That is not the way for us to maintain the friendly relations the Senator talks about.

I wish to repeat that so far as I am concerned I would do anything it was proper to do for Cuba. If it were necessary to vote money out of our Treasury, I would aid in such a movement. We voted \$3,000,000 one time after the war was over to pay the soldiery of Cuba, and I would vote another \$3,000,000 to maintain order and quietude in that Republic, if necessary. But there is no sign to-day, nor has there been since the Cuban Government went into operation, of any necessity for assistance from us, financially, morally, or in any other way.

An act (H. R. 12765) to provide for reciprocal trade relations with Cuba.

Be it enacted, etc., That for the purpose of securing reciprocal trade relations with Cuba, the President is hereby authorized, as soon as may be after the establishment of an independent government in Cuba and the enactment by said Government of immigration, exclusion, and contract-labor laws as fully restrictive of immigration as the laws of the United States, to enter into negotiations with said Government with a view to the arrangement of a commercial agreement in which reciprocal and equivalent concessions may be secured in favor of the products and manufactures of the United States by rates of duty which shall be less by an amount equivalent to at least 20 per cent ad valorem upon such products and manufactures than the rates imposed upon the like articles when imported into Cuba from the most favored of other countries, and which shall not be greater than the rates imposed by the United States upon the like articles imported from Cuba; and whenever the Government of Cuba shall enact such immigration, exclusion, and contract-labor laws, and shall enter into such commercial agreement with the United States, and shall make such concessions in favor of the products and manufactures thereof as aforesaid, and which agreement, in the judgment of the President, shall be reciprocal and equivalent, he shall be authorized to proclaim such facts both as to the enactment of such immigration, exclusion, and contract-labor laws and the making of such agreement; and thereafter until the 1st day of December, 1903, the imposition of the duties now imposed by law on all articles imported from Cuba, the products thereof, into the United States shall be suspended, and in lieu thereof there shall be levied, collected, and paid upon all such articles imported from Cuba 80 per cent of the rate of duty now levied upon like articles imported from foreign countries.

And upon the making of said agreement and the issuance of said proclamation, and while said agreement shall remain in force, there shall be levied, collected, and paid, in lieu of the duties thereon now provided by law, on all sugars above No. 16 Dutch standard in color and on all sugar which has gone through a process of refining, imported into the United States, 1 cent and eight hundred and twenty-five one-thousandths of 1 cent per pound. The President shall have power, and it shall be his duty, whenever he shall be satisfied that either such immigration, exclusion, or contract-labor laws or such agreement mentioned in this act are not being fully executed by the government of Cuba, to notify such government thereof, and thereafter there shall be levied, collected, and paid upon all articles imported from Cuba the full rate of duty provided by law upon articles imported from foreign countries.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had

passed with amendments the bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year; in which it requested the concurrence of the Senate.

CIRCUIT COURT OF APPEALS.

Mr. BACON. I ask the Chair to lay before the Senate the bill which has just been returned from the House of Representatives with amendments, in order that I may move that the Senate concur in the amendments of the House of Representatives.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year; which were, on page 2, line 2, after the word "act," to insert:

Provided, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

And after line 9, on page 2, to insert the following as a new section:

SEC. 5. That the clerk of said court is authorized and permitted to pay out of the fees and emoluments of his office, (1) the necessary expenses incurred by him in transporting from his office in New Orleans, La., to Atlanta, Ga., and in transporting from Atlanta, Ga., to New Orleans, La., the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Atlanta, Ga.; (2) and allowance for actual expenses not exceeding \$10 per day, to cover travel and subsistence, for each day he may be required to be present at Atlanta, Ga., on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial circuit.

Mr. BACON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

SOUTH CAROLINA DISPENSARY LAW.

Mr. TILLMAN. I ask leave to make a request for publication in the RECORD and as a document of an article which I send to the desk, relating to the South Carolina dispensary law. I am pestered almost beyond endurance by inquiries from all over the United States, and I have letters every week asking me about the details of our whisky legislation in South Carolina. This will enable me to answer a great many of them by simply mailing a copy of this document, which will be of interest to everybody.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent of the Senate that there be printed as a document an article in relation to the dispensary law of South Carolina.

Mr. TILLMAN. And also that it go into the RECORD.

Several SENATORS. Oh, no.

Mr. BACON. Why does the Senator want it in the RECORD?

Mr. TILLMAN. It is only a short article about two columns long.

The PRESIDENT pro tempore. The Senator from South Carolina asks that the matter referred to be printed in the RECORD. Is there objection? The Chair hears none, and it will be printed in the RECORD and as a document.

The article referred to is as follows:

[The Press and Banner, Abbeville, S. C., Wednesday, June 25, 1902.]

FLORIDA SEEKING LIGHT ON THE DISPENSARY LAW.

Senator P. W. Butler, of Leesburg, Fla., has written to the Greenville News, seeking information as to the practical workings of the dispensary law in South Carolina. As the reports of no two men who disagree are likely to agree, so the reports of men who oppose the dispensary and those who favor the dispensary can not be along the same lines. Mr. Butler can, by writing to the editors of the city newspapers and men who favor the license system, get one opinion, and from those who favor prohibition and support the dispensary because of its prohibitive features, he can get another opinion.

In reaching the answer to his letters Mr. Butler should find out the personal feelings, prejudices, or convictions of his correspondent. The standpoint from which the writer views the matter may give color to his convictions.

For instance: This editor has been a prohibitionist all his life, and has worked against the sale and use of liquor during a lifetime of more than sixty years. He was as strongly opposed to the dispensary as anybody could have been, but since it was forced upon the town this editor has become an unalterable convert to the system of controlling the sale of liquor. Our reasons for supporting the law may be colored by some of these reasons:

1. It gives absolute prohibition from sunset to sunrise, as well as from sunset Saturday to sunrise Monday.
2. Drunkenness has almost disappeared from our streets. In former times it was by common consent thought proper for ladies to stay off of our streets on Saturday and sale day.
3. The habit of treating has been broken up, root and branch. This school for training drunkards has entirely disappeared, and it is hoped that, when these drunkards end their days, drunkenness will be unknown.
4. The bars were formerly kept open until a late hour at night, and their back doors were not always kept closed on Sunday. The places for temptation have been closed and no man can buy liquor at night.
5. The dispensary commends itself to temperance people because no liquor is sold on credit. No man may pledge his week's wages or his wife's jewelry for drink. The cash must be paid at the time of purchase, and this fact of itself is a great restraint.

6. If men must have liquor they may rely implicitly on getting what they call for and pay for.

7. No drinking is allowed on the premises, and few men will buy a pint to drink it out of the neck of a bottle behind a fence corner.

8. When the licensed bars were closed 999 houses were left for other and better business. The estimate is that 5,000 persons were actively engaged in the liquor traffic at that time.

9. Since the dispensary law, only about 100 houses are occupied with the liquor traffic. The number of employees has been reduced from 5,000 to perhaps 200 in the dispensaries throughout the State, while at the central office not over 500 persons are employed, largely women who wish to earn an honest sum.

10. The result of the dispensary, therefore, is to reduce the number of men and houses devoted to the business, the men from 5,000 to 700, the houses from 999 to 100.

11. The advantages of the change in Abbeville have been improvement of the streets and neighborhoods. Not long ago the nicest jewelry store that Abbeville ever had was in a storeroom from which liquor was retailed.

12. The post-office is located there now, and next door to it is our dispensary, where it was lately moved. In all of the United States, we presume, a post-office could not be found with only a brick wall separating it from a barroom.

13. The dispensary has been the death knell of pool and billiard playing, and places for the resort of mixed crowds of boys and men at night are no more.

14. The arrests for drunkenness in this town have been reduced to a minimum. They do not at all compare with former arrests.

15. If there is a sober man in Abbeville who would return to the barroom system or to prohibition—when we had free liquor—we do not know of the fact.

16. This editor has lived on the public square for forty years. In that time we have had high license, prohibition, license, dispensary.

17. Our testimony would be that prohibition gave us more drunkenness and more of a feeling of unrest than anything else. High license was the most veritable humbug. It deprived poor and honest men of the privilege of selling. It gave a few the monopoly, and then we had no confidence in the quality of the liquor sold, which was generally put in bottles which were short of their repute. For instance, so-called quart bottles were, with rarest exception, what are called "sixes," that is to say, six, and not four, contained a gallon. The dispensary gives full measure.

This, in brief, would be the testimony of an ardent temperance advocate. We are not willing to let go the substance of the prohibition which we now have for the shadow of total prohibition.

The larger cities and the daily newspapers of Florida, would, in all probability, fight the dispensary for various reasons, one of which is it removes the liquor dealers from politics. The barkeeper and the church deacon who rents him a house would fight the measure, and any intelligent or sensible man knows whether whisky does not control the local elections. If for no other reason, this of itself would commend the dispensary to temperance people.

This newspaper has never looked particularly to the profits arising from the dispensary. The question as to the disposition of the half million dollars' profit has been a matter of concern. If we sell dispensary liquor at cost, we encourage liquor drinking. If we sell at a higher price, we restrain the sale. For this reason we favor the higher price of dispensary liquor. The profits to this county last year was \$10,182.81, one-half going to the town, the other half to county expenses. The State's profit was added and charged in Columbia, before it was received in Abbeville, and our profits are therefore over and above the State's share.

REQUEST FOR PRINTING.

Mr. CARMACK. Mr. President, I wish to ask leave to print some matters in the RECORD, being extracts from testimony before the Senate committee and from official documents in reference to the charges of cruelty alleged to have been perpetrated in the Philippine Islands.

Mr. ALDRICH. In the absence of the chairman of the committee [Mr. LODGE], I feel obliged to object.

Mr. CARMACK. Does the Senator from Rhode Island object?

Mr. ALDRICH. I do.

Mr. CARMACK. I have the floor, Mr. President?

Mr. ALDRICH. The Senator from Pennsylvania [Mr. QUAY] has the floor.

Mr. CARMACK. If I can have the opportunity to make the request in the presence of the Senator from Massachusetts [Mr. LODGE], I will wait. I do not know when I shall have the opportunity, or whether I shall have an opportunity to get the floor or not.

I will say in this connection, Mr. President, that in the course of my speech on this question I expressed my intention of including this testimony with my speech and I thought I had asked permission to do so. I remember that the Senator from Indiana [Mr. BEVERIDGE] and I were then engaged in a colloquy and he remarked that he would have no objection to its being done. But I find in looking over the report of my remarks that I did not ask and obtain permission to print it and I make that request now. The Senator from Indiana made a like request and it was granted.

Mr. ALDRICH. I did not object to the publication of the matter the Senator referred to for any purpose of making that objection final, but I thought that as long as the committee was not represented by the chairman upon the floor, or as far as I could see by any Republican member, the request should be deferred.

Mr. CARMACK. The Senator from Indiana [Mr. BEVERIDGE] was here a moment ago.

Mr. ALDRICH. I suggest to the Senator that it is far more in accordance with my notion of comity between Senators that he should make the request when the Senator from Massachusetts [Mr. LODGE] is here.

Mr. CARMACK. The Senator from Maryland [Mr. McCOMAS] is a member of the committee, and he is present. I am sure there will be no objection from any member of the committee.

Mr. McCOMAS. I concur in the suggestion of the Senator from Rhode Island that the Senator from Tennessee defer his request until to-morrow, when I suppose the chairman of the committee will be here.

Mr. ALDRICH. The Senator from Massachusetts will certainly be here to-morrow.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Tennessee at any time.

PRINTING OF DOCUMENTS.

Mr. CARMACK. Very well. I wish to ask consent to print some other matters in the RECORD. I will say before doing so that I am not going to try to coerce the Senate into it. They are matters in regard to the steel trust, the wire-rope trust, and the sugar trust.

Mr. ALDRICH. It had better be printed as a document. That kind of material ought not to be printed in the RECORD at an immense cost to the Government. The Government ought not in any form to be made responsible for statements of that kind.

Mr. CARMACK. That will suit me just as well.

Mr. PATTERSON. As a document?

Mr. CARMACK. As a document.

Mr. COCKRELL. As a document?

Mr. CARMACK. I will request that the matter be printed as a document.

Mr. BACON. As one document?

Mr. CARMACK. No; as three separate documents.

The PRESIDENT pro tempore. The Senator from Tennessee asks that the papers he sends to the desk may be printed as three separate documents. Is there objection?

Mr. ALDRICH. I will not object, but I think it is hardly fair toward all the people of the United States that the Government should be used to print and circulate documents for political purposes by any political party.

The PRESIDENT pro tempore. The Chair hears no objection, and the order is made.

CHEROKEE INDIAN LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes.

The PRESIDENT pro tempore. Will the Senate agree to the amendment of the Committee on Indian Affairs as amended?

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, that there may be no misunderstanding, I will state that some two hours ago the Senate kindly gave unanimous consent that at the conclusion of the bill which was then under consideration and which has just passed, I might ask for the consideration of two House bills relating to the District of Columbia, that it is very important should be passed.

I ask the Senate to proceed to the consideration of the bill (H. R. 11400) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898.

The PRESIDENT pro tempore. Did the Senator obtain unanimous consent that the bill might be taken up for consideration?

Mr. GALLINGER. I did, I will say to the Chair.

The PRESIDENT pro tempore. Then the bill is before the Senate for consideration.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which had been reported from the Committee on the District of Columbia with amendment.

Mr. GALLINGER. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that the bill be read for action on the amendments.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the District of Columbia was, on page 2, line 4, after the words "Monday in" to strike out "March" and insert "February;" so as to read:

That the said Commissioners shall give notice, by advertising twice a week for three successive weeks, beginning on the third Monday in February of each year hereafter, in the regular issue of three daily newspapers published in said District, that the said pamphlet has been printed and that a copy thereof will be delivered to any taxpayer applying therefor at the office of the collector of taxes of said District, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 3, after the words "SEC. 3." to strike out:

That every purchaser other than the District at any sale of property sold as aforesaid shall pay the amount of his bid to the collector of taxes within five days after the last day of sale. If any such purchaser shall not have paid his bid or the same shall not have been collected from him within the time above mentioned, the Commissioners may set aside the sale for which the bid was made, and all the rights of the purchaser under such bid shall thereby be extinguished.

And to insert:

That the collector of taxes shall require from every purchaser of property sold as aforesaid a deposit sufficient, in his judgment, to guarantee a full and final settlement for such purchase. Every purchaser other than the District of Columbia at any sale of property as aforesaid shall pay the full amount of his bid, including surplus, if any, to the collector of taxes within five days after the last day of sale, and in case such payment is not made within the time specified the deposit of the person so failing to make payment shall be forfeited to the District of Columbia, and said collector of taxes shall then issue the certificate of sale for such property to the next highest bidder, and if payment of the amount of the bid of said next highest bidder be not made within two days thereafter the Commissioners of the District of Columbia shall set aside both sales for which the bids were made.

The amendment was agreed to.

The next amendment was, on page 4, line 9, after the word "sale," to insert "exclusive of surplus;" so as to read:

Immediately after the close of the sale, upon payment of the purchase money, the said collector of taxes shall issue to the purchaser a certificate of sale, and if the property shall not be redeemed by the owner or owners thereof within two years from the last day of sale, by payment to the collector of taxes of said District, for the use of the legal holder of the certificate, the amount for which it was sold at such sale, exclusive of surplus, and 12 per cent per annum thereon, a deed shall be given by the Commissioners of the District, or their successors in office, to the purchaser at such tax sale, his heirs or devisees, or to the assignee of such certificates, etc.

The amendment was agreed to.

The next amendment was, on page 6, line 22, after the word "thereof," to strike out "the Commissioners of the District of Columbia, through;" on page 7, in line 3, after the word "sale," to strike out "reciting the time when same was bid off as aforesaid and the amount paid by the person or persons to whom such certificate may be issued;" in line 7, after the word "date," to strike out "when bid off by the collector" and insert "of said certificate;" and in line 10, after the word "amount," to insert "(exclusive of surplus);" so as to read:

Provided, however, That failure on the part of the District, from any cause whatsoever, to enforce the liens acquired aforesaid shall not release the property from any tax whatsoever that may be due the District: *Provided further,* That at any time after any property shall have been bid off as aforesaid by the collector of taxes, and before the expiration of the time allowed for the redemption thereof, the collector of taxes of said District may issue to any person or persons, upon the payment of a sum not less than the aggregate amount of the taxes, penalties, and costs due at the time the property was bid off by the collector and that may have accrued after that date, a certificate of sale; and if the property shall not be redeemed by the owner or owners thereof within two years from the date of said certificate, by payment to the collector of taxes of said District, for the use of the legal holder of the certificate, the amount (exclusive of surplus) paid by the person or persons to whom such certificate was issued and 12 per cent per annum thereon, a deed shall be given by the Commissioners of the District of Columbia, or their successors in office, to the legal holder of such certificate.

Mr. GALLINGER. Let the parentheses before and after the words "exclusive of surplus" be stricken out. There is no need for them.

The PRESIDENT pro tempore. The parentheses will be stricken out. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 8, line 11, after the word "for," to insert "exclusive of surplus;" and in line 13, after the word "sale," to strike out:

Together with any tax or assessment which the holder of said certificate shall have paid between the days of sale and redemption, with interest on the same at the rate of 8 per centum per annum,

So as to read:

That the owner of any property sold as aforesaid, or any other person having an interest therein at the time of redemption, may redeem the same from such sale at any time within two years after the last day of sale by paying to the collector of taxes, for the use of the purchaser, his heirs and assigns, the sum mentioned in the certificate of sale therefor, exclusive of surplus, with interest thereon at the rate of 12 per centum per annum after the date of such certificate of sale.

The amendment was agreed to.

The next amendment was, on page 9, line 1, after the word "collected," to strike out "as provided in sections 161 and 162, chapter 6, of the Revised Statutes of the United States, relating to the District of Columbia," and insert "as hereinbefore provided for;" and in line 8, after the word "District," to insert:

Provided, That if any property sold for taxes, as herein provided, is redeemed from such sale within two years from last day of sale, any surplus paid at time of sale shall be paid by the District of Columbia to the legal holder of certificate of sale.

So as to read:

That the collector of taxes shall, within twenty days, exclusive of Sundays and legal holidays, after the last day of the sale hereinbefore provided for as aforesaid, file with the recorder of deeds a written report, in which he shall give a statement of the property sold, other than that sold to the District of Columbia, to whom it was assessed, the taxes due, to whom sold, the amount

paid, the date of sale, the cost thereof, and the surplus, if any. Any surplus remaining after the collection of taxes, penalties, and costs on any real estate shall be collected as hereinbefore provided for, and shall be deposited by the collector of taxes to the credit of the surplus fund, to be paid to the owner or owners, or their legal representatives, in the same manner as other payments made by the District: *Provided,* That if any property sold for taxes, as herein provided, is redeemed from such sale within two years from last day of sale, any surplus paid at time of sale shall be paid by the District of Columbia to the legal holder of certificate of sale.

The amendment was agreed to.

The next amendment was, on page 9, line 18, after the words "per annum," to insert "and the surplus, if any," and in line 20, after the word "assigns," to insert:

Provided, That if any conveyance made by the said Commissioners, of property sold for taxes, shall at any time be set aside by decree of any court as invalid, the party in whose favor the decree is rendered shall pay to the party holding such conveyance, his heirs or assigns, the amount paid for such taxes and conveyances, together with interest at the rate of 6 per cent per annum.

So as to read:

That the said Commissioners shall not convey any property sold for taxes if they shall discover, before the conveyance, that the sale was for any cause invalid and ineffectual to give title to the property sold; but they shall cancel the same and cause the purchase money, together with interest at the rate of 6 per cent per annum, and the surplus, if any, to be refunded to the purchaser, his representatives or assigns: *Provided,* That if any conveyance made by the said Commissioners, of property sold for taxes, etc.

The amendment was agreed to.

The next amendment was, on page 10, after line 5, to insert:

SEC. 8. That in the District of Columbia all property, except that owned by the United States or the District of Columbia, shall be subject to assessments for water-mains and local improvements; and only such property used for educational purposes as is not used for private gain shall be exempt from general taxation.

Mr. GALLINGER. Let section 8 be disagreed to. That has been taken care of in an appropriation bill.

The amendment was rejected.

The next amendment was, on page 10, after line 11, to insert:

SEC. 9. That hereafter the assessor of the District of Columbia shall have the records of his office open to inspection of the public, free of charge, at such time or times as the public interest will permit.

The amendment was agreed to.

The next amendment was on page 10, after line 15, to insert:

SEC. 10. That hereafter the rate of taxation on all real estate in the District of Columbia, including improvements thereon, shall be uniform, not exceeding \$1.50 on each \$100 of assessed valuation; and that whenever a subdivision of any portion of said real estate is made and recorded with the surveyor of the said District, the board of assistant assessors of said District are hereby authorized and directed to reassess said property so subdivided, and the tax on said reassessment shall be due and payable at the semiannual payment of taxes next following said reassessment.

SEC. 11. That in all cases where assessments of benefits for street extensions in the District of Columbia have been, or may hereafter be, levied, payment of the same shall be made in five equal annual installments, with interest at the rate of 4 per cent per annum until paid: *Provided,* That in all cases of payment the accounting officers of the District shall take into account the assessments for benefits and the awards for damages.

Mr. GALLINGER. The amendment included in sections 10 and 11 has likewise been taken care of in the appropriation bill. I ask that it be rejected.

The amendment was rejected.

Mr. COCKRELL. I was going to call attention to section 11. That has been covered in the appropriation bill.

Mr. GALLINGER. Section 10 likewise.

Mr. COCKRELL. Yes.

The next amendment was, on page 11, line 13, after the word "repealed," to insert the following proviso:

Provided, That nothing herein contained shall be construed as reducing the present rate of interest to be paid in redemption of any tax certificate issued to any purchaser other than the District of Columbia upon any sale held prior to the 1st day of July hereafter.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRICT STREET RAILROADS.

Mr. GALLINGER. I ask the Senate to proceed to the consideration of House bill 12805.

The bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, was considered as in Committee of the Whole.

Mr. GALLINGER. I move an amendment by striking out all after the word "avenue," in line 11, page 1, down to and including the word "authorized," in line 3, page 2, and inserting:

Provided, That until streets of suitable width to accommodate a double-track railway shall be opened substantially on a line northerly from the termini of the extension of the railway herein provided for and of the Metropolitan Railway on old Sixteenth street, cars may be switched on Lydecker avenue and on old Sixteenth street, respectively.

The amendment was agreed to.

Mr. GALLINGER. I move likewise to insert a new section as section 5.

The SECRETARY. Add as a new section:

SEC. 5. That the time within which the Washington and Gettysburg Railway Company shall construct its line within the District of Columbia is extended two years from March 1, 1903.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FIRST REGIMENT OHIO VOLUNTEER LIGHT ARTILLERY.

Mr. FORAKER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, to report it without amendment, and ask that the bill may be read—it is a very short one—and that it may be now considered.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. ALDRICH. That is a pretty important bill, and I suggest it ought not to be considered by unanimous consent.

Mr. FORAKER. The Senator from Rhode Island may have that impression, but I am sure if he would look at the bill a moment he would see that it ought to pass. There is nothing provided for in the bill except only that that command, a battery of light artillery which served three months under the first three-months' call during the civil war and was in a number of engagements in West Virginia, may be mustered. It was not mustered for the reason that it was a National Guard organization. It was ordered to report for duty in West Virginia under the officers of the Army of the United States. There was an urgent necessity for it. The mustering officer visited it when it was crossing the river at Marietta and Parkersburg, but the command was so hurried that it was impossible to stop to be mustered. They served clear through the three months' service without being mustered, and came home and were mustered out simply as a State organization.

They are to get no pay, no bounty, no allowances, no emoluments of any kind. It is simply a matter of satisfaction that they may be granted certificates of discharge as if they had been formally mustered into the service of the United States, as they were entitled to be at the time they rendered the service; but they did not have a chance to be so mustered when they should have been.

Mr. ALDRICH. How does it happen, if the Senator from Ohio will permit me to ask him a question, that this action has not been taken before?

Mr. FORAKER. It has been taken repeatedly in the House, and bills have been passed through that body, but always, for some reason or other, in the Senate such bills have failed to pass. This is the Cleveland Battery, and General Barnett, who was one of the most distinguished soldiers in the Union Army, was the colonel of it. My colleague is familiar with the matter, and will sustain all I say regarding it.

Mr. ALDRICH. Will the bill permit the granting of a pension for less than ninety days' service?

Mr. FORAKER. I understand not.

Mr. GALLINGER. I was about to inquire if the bill did make these soldiers pensionable. There are thousands and thousands of men who served in the militia organizations under the control of the several States who are not pensionable under existing laws, and the Committee on Pensions have been careful not even to report special bills in their behalf, as we do not want to open that door.

Mr. FORAKER. This battery did not serve under officers of the State. It reported for duty to officers of the Union Army in West Virginia and was under the command of General McClellan. The battery was ordered to duty with the Fourteenth Regiment of Ohio Volunteer Infantry, commanded by General Steadman.

Mr. McCOMAS. How long did they serve?

Mr. FORAKER. They served three months, and then they were veteranized and mustered out as a State organization after their three months' service. They never were mustered in as part of the United States forces, but that was no fault of theirs. They were repeatedly in engagements during their three months' service in West Virginia.

I hope there will not be any objection to the bill. This measure has passed the House unanimously, and there is an extended report setting forth the merits of the case. As I understand it, the members of the regiment by the bill are cut off from the possibility of getting a pension by the proviso, which I will ask the Secretary to again read. The Senator from New Hampshire [Mr. GALLINGER] can tell better than I as to that.

The Secretary read as follows:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. McCOMAS. Is it the purpose that they shall have no pay or pension?

Mr. FORAKER. The bill provides that they shall receive no pay, bounty, or other emoluments.

Mr. McCOMAS. I suggest that the word "pension" should be inserted after the word "pay."

Mr. FORAKER. I will leave it to the Senator from New Hampshire [Mr. GALLINGER] to decide whether it is necessary to put anything more in the bill.

Mr. GALLINGER. My only apprehension is—of course, I do not want to obstruct the bill in any way—that it will open the door to all the State troops coming here and asking for pensions. I am very sure it will. I will suggest to the Senator, if this is a mere matter of justice to these men, a matter of patriotism, that the word "pension" be inserted after the word "bounty."

Mr. FORAKER. Very well; I have no objection to that being inserted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 2, line 6, after the word "bounty," it is proposed to insert the word "pension;" so as to read:

Provided, That no pay, bounty, pension, or other emoluments shall become due or payable by the virtue of the passage of this act.

Mr. FORAKER. I want to say, in answer to the suggestion of the Senator from New Hampshire, that I think this case is differentiated from all the others to which he referred, by the fact that this command did not serve under State officers at all, but it served with the regular Union Army in West Virginia under the command of General McClellan and General Rosecrans for three months and rendered very efficient and distinguished service.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DEPUTY COLLECTORS OF CUSTOMS AT TACOMA AND SEATTLE.

Mr. SPOONER. I am instructed by the Committee on Finance, to whom was referred the bill (S. 268) authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith, to report it favorably with an amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Finance was, at the end of section 1, to insert "such salaries, however, not to exceed the sum of \$2,500 each per annum;" so as to make the section read:

That the annual salaries to be paid to the deputy collectors of customs of each of the United States subports, Tacoma and Seattle, in the State of Washington, shall be determined and fixed by the Secretary of the Treasury, who may raise or lower the same at his discretion as the business of the said ports shall warrant, such salaries, however, not to exceed the sum of \$2,500 each per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORPORATIONS IN ALASKA.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska.

Mr. BEVERIDGE. I was about to ask for the consideration of the bill just named by the Senator from Wyoming [Mr. WARREN]. I am glad the Senator has asked to have it taken up.

Mr. WARREN. I will state that the bill is one which had the unanimous approval of the Committee on Territories, where it has been under consideration. I think there will be no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS WILKINSON.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 5453) granting an increase of pension

to Thomas Wilkinson. It will take not two minutes to pass it, and the beneficiary is a man who is 84 years old.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Thomas Wilkinson, late of Company G, First Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BALEY W. SMALL.

Mr. FAIRBANKS. I ask unanimous consent for the consideration at this time of the bill (H. R. 12026) granting an increase of pension to Baley W. Small.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Baley W. Small, late first lieutenant Company K, Seventy-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT COURT IN LEWISBURG, W. VA.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 5732) establishing a regular term of United States district court in Lewisburg, W. Va. It is a very short bill to which there will be no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to add to the bill the following proviso:

Provided, That accommodations for said term of court shall be furnished without cost to the United States.

So as to make the bill read:

Be it enacted, etc., That the regular term of the district court of the United States for the southern district of West Virginia shall be held in each year in the city of Lewisburg, W. Va., on the second Tuesday in February: *Provided*, That accommodations for said term of court shall be furnished without cost to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. THOMAS.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (H. R. 8644) granting a pension to John W. Thomas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of John W. Thomas, late of Company D, Seventh Regiment United States Infantry, and to pay him a pension of \$16 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UMATILLA INDIAN RESERVATION.

Mr. MITCHELL. I ask unanimous consent for the present consideration of the bill (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Reservation.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That all the lands of the Umatilla Indian Reservation not included within the new boundaries of the reservation and not allotted or required for allotment to the Indians, and which were not sold at the public sale of said lands heretofore held at the price for which they had been appraised, and upon the conditions provided in an act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," shall be sold at private sale by the register of the land office in the district within which they are situated, at not less than the appraised value thereof, and in conformity with the provisions of said act: *Provided*, That any bona fide settler upon any of said lands who is the owner of substantial improvements thereon, and who has so settled and improved any subdivision of said lands, with the intent of permanently residing on the same as a homestead, shall have a preference right to buy the lands so settled upon by him at any time within ninety days after the passage of this act, upon making satisfactory proof in the local land office as to settlement, intent, and improvements.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALDRICH. That bill is a little too important to pass with unanimous consent.

Mr. MITCHELL. I hope the Senator will not object to this bill. It is a House bill which simply provides for the sale of a few lots which remain unsold in the Umatilla Indian Reservation.

Mr. ALDRICH. How much land is involved?

Mr. MITCHELL. Not very much; I can not say precisely how

much; but the bill was carefully considered in the House and also by the committee in the Senate who reported it favorably.

Mr. ALDRICH. I suppose in Oregon 100,000 acres would not be considered much?

Mr. MITCHELL. This land is to be sold in lots of 40 acres.

Mr. ALDRICH. Do the homestead laws apply to this land?

Mr. MITCHELL. Where there are bona fide settlers on any of the lands who have made substantial improvements thereon, and only to that extent—

Mr. ALDRICH. Does this bill take those lands out from under the operations of the homestead act?

Mr. MITCHELL. What does the Senator mean?

Mr. ALDRICH. I mean, after this bill passes, can an actual settler go in and take a home on those lands under the homestead act?

Mr. MITCHELL. No, sir; it simply provides that those who are on the lands and who have made substantial improvements shall have the preference.

Mr. ALDRICH. But that land is open to homestead settlement, is it not?

Mr. MITCHELL. No, sir; it is not.

Mr. ALDRICH. Why not?

Mr. MITCHELL. Because it is included in this Indian reservation, and is subject to the provisions of the act cited in the bill.

Mr. ALDRICH. And that reservation has by law ceased to be an Indian reservation?

Mr. MITCHELL. These are lands belonging to the Indians.

Mr. ALDRICH. Formerly belonging to the Indians?

Mr. MITCHELL. They belong to the Indians yet. This bill provides for the sale of lands and the Indians will get the benefit.

Mr. ALDRICH. I still think the bill ought not to pass by unanimous consent, but I withdraw my objection to its consideration.

Mr. MITCHELL. The bill is all right. I am obliged to the Senator for withdrawing his objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASON E. FREEMAN.

Mr. PATTERSON. I ask unanimous consent for the present consideration of the bill (H. R. 7013) granting an increase of pension to Jason E. Freeman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jason E. Freeman, late of Company C, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MONUMENTAL COLUMN AT PRINCETON, N. J.

Mr. WETMORE. I am instructed by the Committee on the Library, to whom was referred the bill (S. 3850) in regard to a monumental column to commemorate the battle of Princeton, and appropriating \$30,000 therefor, to report it favorably with amendment.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Rhode Island.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on the Library was to strike out all after the enacting clause and insert:

That the sum of \$30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by said association, under the direction of the Secretary of War, to aid in erecting and completing on the battlefield of Princeton, in the State of New Jersey, a suitable monument: *Provided*, That no part of the sum herein appropriated shall be available until the Princeton Battle Monument Association shall have raised an additional sum of \$30,000, to be expended in the erection of said monument and in the purchase and improvement of the site. *And provided further*, That the design for said monument shall be approved by the Secretary of War.

Mr. SCOTT. I should like to ask if the bill has been referred to a committee, and if it has been reported favorably by the committee?

The PRESIDENT pro tempore. It was reported to-day.

Mr. KEAN. It was reported to-day.

Mr. SCOTT. I should like to have the report read.

Several SENATORS. Withdraw the request.

Mr. KEAN. Does the Senator wish to have his memory in regard to the battle of Princeton refreshed?

Mr. SCOTT. As Senators are in such a hurry, many of them having bills which they desire to call up, I withdraw the request to have the report read, but I do think it is bad legislation to rush through here a bill appropriating \$30,000 without knowing something about it.

Mr. TELLER and Mr. BATE. That is right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

CERTAIN NEW MEXICAN BONDS.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds. It is a very brief bill.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the present consideration of a bill which will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the act of the thirty-fourth legislative assembly of the Territory of New Mexico entitled "An act providing for additional buildings for the New Mexico Military Institute at Roswell," approved February 20, 1901, and the act of the same assembly and session entitled "An act providing for additional buildings for the New Mexico Insane Asylum at Las Vegas," approved March 21, 1901, and the act of the same assembly and session entitled "An act to provide for the issue of bonds for the New Mexico College of Agriculture and Mechanic Arts," approved March 21, 1901, be, and each of said acts hereby are, approved, ratified, validated, and confirmed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BATE. Mr. President, I think the bill is rather objectionable. I do not think it ought to be passed now.

The PRESIDENT pro tempore. The Senator from Tennessee objects.

Mr. BATE. No, sir; I desire to say something in regard to it. I have the floor, I believe.

I wish to say in connection with this bill that while I would offer no objection to appropriations to eleemosynary institutions, while I do not object to allowing them to have buildings and making appropriations for that purpose, as I look at this—

Mr. BEVERIDGE. This is in no sense an appropriation, if the Senator will permit me.

Mr. BATE. I mean it gives the authority. The Senator has interrupted me and should explain. I understand there is a law, known as the Harrison law, by which the indebtedness of a county can not exceed 4 per cent for any purpose. This bill is brought here, asking permission of the United States to exceed that.

Mr. BEVERIDGE. No.

Mr. BATE. That is the way I understand it.

Mr. BEVERIDGE. Not at all.

Mr. BATE. Then you had better explain your bill.

Mr. BEVERIDGE. I am perfectly willing to do so, but the Senator was at the committee meeting. That is not the point which this bill means to reach at all.

Mr. BATE. It gives the privilege, as I understand it—

Mr. BEVERIDGE. Of exceeding the Harrison 4 per cent limit?

Mr. BATE. Yes.

Mr. BEVERIDGE. No.

Mr. BATE. As I understand it, this permits them to issue bonds not to provide buildings for these institutions, but to enlarge them. Is not that it?

Mr. BEVERIDGE. Not at all. The case briefly stated is this: Of course, if the Senator is going to object, I do not want to go into a discussion of the bill this evening; but the Senator from Tennessee has something else in mind. There is what is known as the Harrison Act with reference to Territories, which provides that they can not exceed in indebtedness the 4 per cent limit. Most of the bills that come before the committee which affect bonds are designed to cure that, where they expect to exceed that amount of indebtedness.

This is entirely different, however. The Congress granted to the Territory of New Mexico certain land for its school and educational purposes. Certain of these lands were assigned to these three institutions, one of which is an insane asylum, one of which is a college, and one of which is a military institute. They are sadly in need of buildings. This law provided that the rentals should be used for their maintenance and operation, and one thing

and another. Now, it is found, in order to build the necessary buildings, that it is necessary to borrow money on those lands and to turn over the rentals so as to create a sinking fund for the payment of the bonds. It has nothing whatever to do with the Harrison Act.

The committee heard this matter. It is one which has already been passed upon by the Territory of New Mexico. The bill has been passed by the House; and, Mr. President, in all deference to the Senator from Tennessee, it is an entirely just and proper measure. The reason I call it up now is because it is exigent.

The bill, as I say, has been passed by the House, and we are within a few days of adjournment, and this measure should become a law for the purpose of affording the necessary relief to the insane asylum there and these other two institutions to which this land is already allotted. It simply provides that they may turn their rentals into a sinking fund to pay this mortgage indebtedness. It is not intended at all to cure the limitation of the Harrison Act.

Mr. BATE. They are to issue the bonds for the purpose of raising money?

Mr. BEVERIDGE. Yes.

Mr. BATE. It gives them authority to do that?

Mr. BEVERIDGE. Yes.

Mr. BATE. I do not object so much to aiding the insane asylum, but I do not approve of allowing the military institute there to be built up in this manner. The reason for my objection is this: The House has passed a bill giving statehood to the Territory. The measure has come to the Senate. It has been recently throttled here, you know, up to the present at least, but it is understood, with time set by agreement, that at the next session of Congress the Territory will be made a State.

I think it is better that there should be a legislature there independent of the Congress, representing those people, and that we should let that legislature enact such laws as are necessary in regard to these institutions and to furnish the money, if necessary, in the manner they think best for the purpose of enlarging these institutions. I beg pardon of the Senator from Indiana. This is not for the purpose of carrying on those institutions, as I understand.

Mr. BEVERIDGE. No; it is for buildings.

Mr. BATE. But it is for the purpose of enlarging the buildings of the institutions. They are good institutions now and are being carried on well and successfully. This is to enable them to enlarge the buildings. I do not think the necessity is so great that it can not be postponed until New Mexico becomes a State. That is the whole issue here.

Mr. BEVERIDGE. Does the Senator from Tennessee object?

Mr. BATE. I do not object to the consideration of the bill, but to the passage of the bill at this time.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. MORGAN. Mr. President, I have to object. I know a little about this matter, and I am satisfied there is at least one solid day's debate in it. I object.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

RANSOM SIMMONS.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (H. R. 12549) granting an increase of pension to Ransom Simmons.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ransom Simmons, late of Company K, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AGREEMENT WITH KANSAS OR KAW INDIANS OF OKLAHOMA.

Mr. QUARLES. I ask unanimous consent that to-morrow morning after the routine morning business the bill (H. R. 12597) to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes, may be taken up as the unfinished business.

Mr. ALDRICH. The rule to apply for to-morrow only.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that on the completion of the routine business to-morrow morning the bill indicated by him may be

taken up for consideration, not to interfere with appropriation bills or conference reports, and only for the day. Is there objection? The Chair hears none, and the order is made.

THE SOCIETY OF THE ARMY OF SANTIAGO DE CUBA.

Mr. HANNA. I ask unanimous consent for the present consideration of the bill (H. R. 11656) to incorporate The Society of the Army of Santiago de Cuba.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CERTAIN PUBLIC LANDS IN NEW MEXICO.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (H. R. 11062) to amend an act entitled "An act to make certain grants of lands to the Territory of New Mexico, and for other purposes." I may state that the senior Senator from Wisconsin [Mr. SPOONER] on Tuesday asked that the bill go over. I do not understand that he has any further objection to it. The bill has been read.

Mr. ALDRICH. Let it be read again.

Mr. SPOONER. I asked that it might go over until I could examine it.

Mr. ALDRICH. It had better go over again.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from South Dakota? It has been read in full, and in Committee of the Whole the amendments of the committee were agreed to.

Mr. ALDRICH. Let it be read again.

The PRESIDENT pro tempore. It will be read again.

The Secretary again read the bill.

Mr. PLATT of Connecticut. How much land is to be sold in any one tract?

The SECRETARY. Not to exceed 25,000 acres.

Mr. ALDRICH. In any one tract?

Mr. COCKRELL. Let the bill go over.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

DESERT-LAND ENTRIES IN YAKIMA COUNTY, WASH.

Mr. FOSTER of Washington. I ask unanimous consent to call up the bill (S. 6091) extending the time for making final proof in desert-land entries in Yakima County, State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the time for making final proof on unperfected, uncontested, and uncanceled desert-land entries in Yakima County, Wash., shall be extended for one year from the date of its passage, but no other or additional expenditure shall be made than is now required by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRIBUTION OF SUPREME COURT REPORTS.

Mr. McCOMAS. I ask unanimous consent for the present consideration of the bill (H. R. 5809) for the further distribution of the reports of the Supreme Court.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, on page 1, line 8, after the word "Currency," to strike out "the Commissioner of Internal Revenue;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to distribute to each of the following-named officers of the United States, additional to those named in section 683 of the Revised Statutes, namely: Each Assistant Attorney-General; the Solicitor of the Department of State; the Comptroller of the Currency; the Judge-Advocate-General, Navy Department, etc.

The amendment was agreed to.

The next amendment was, on page 2, line 13, after the word "judge," to insert "and to each judge of the court of appeals of the District of Columbia," and in line 17, after the word "office," to insert "and to the Secretary of the Senate, for the use of the committees of the Senate, 10 complete sets of said reports;" so as to read:

To each United States circuit and district judge and to each judge of the court of appeals of the District of Columbia who has not already been supplied, one set; and he shall also distribute to each additional United States judge hereafter appointed one complete set of said reports, which shall in all cases be transmitted to their successors in office, and to the Secretary of the Senate, for the use of the committees of the Senate, 10 complete sets of said reports, and to the Clerk of the House of Representatives, to be distributed to and for the use of the committees of said House, 10 complete sets of said reports.

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the word "Territory" to insert "islands of Hawaii and Porto Rico;" in line 4, after the word "eighty-nine," to insert "and to the Naval Academy at Annapolis and to the Military Academy at West

Point," and in line 11, after the word "distribute," to insert "to the Secretary of war twelve complete sets for the use of the proper courts and offices of the Philippine Islands, and of the headquarters of military departments in the United States, in his discretion, and;" so as to read:

Sec. 2. That the Secretary of the Interior shall likewise distribute to each of the places where circuit and district courts of the United States are now holden, including the Indian Territory, islands of Hawaii and Porto Rico, to which they have not already been supplied under the provisions of the act of Congress approved February 12, 1889, and to the Naval Academy at Annapolis and to the Military Academy at West Point, one complete set of the Reports of the Supreme Court, including those already published and those hereafter to be published, or a reprint of the same, or such volumes as with those already furnished will make one complete set, the judges holding such courts to select the edition of such reports to be supplied for such courts; and he shall also distribute to the Secretary of War 12 complete sets for the use of the proper courts and offices of the Philippine Islands and of the headquarters of military departments in the United States, in his discretion, and to each and every place where a new circuit and district court may be hereafter established one complete set of said reports.

The amendment was agreed to.

The next amendment was, on page 4, line 2, after the word "law," to strike out "74" and insert "104;" so as to read:

Sec. 3. That, beginning with volume 183, the publishers of the Decisions of the Supreme Court shall deliver to the Secretary of the Interior, in addition to the number heretofore supplied by law, 104 copies of each and every volume of such decisions.

The amendment was agreed to.

The next amendment was, on page 4, after line 18, to insert as a new section the following:

Sec. 5. That the Secretary of the Interior shall, at the beginning of the first session of each Congress, distribute to each Senator and Representative in such Congress who may in writing apply for the same one copy of the Revised Statutes of the United States and the supplements thereto: *Provided*, That such applicant shall certify in his written application for the same that the volumes for which he applies are intended for his personal use exclusively: *And provided further*, That no Senator or Representative during his term of service shall receive more than one copy of such Revised Statutes and supplements thereto.

The amendment was agreed to.

The next amendment was, on page 5, line 6, after the word "digest," to insert "and for the Revised Statutes and supplements thereto;" so as to read:

Sec. 6. That such sum of money as is required to pay for the reports of the Supreme Court and for the digest, and for the Revised Statutes and supplements thereto, the delivery and distribution of which are provided for in this act, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the further distribution of the reports of the Supreme Court, and for other purposes."

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company, to report it with an amendment, and as it will take but a moment to pass the bill I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on the District of Columbia was, after the word "two," in line 7, to insert the following proviso:

Provided, That the said railroad company is authorized and empowered to extend its lines by a single track across the Pennsylvania avenue bridge to connect with the eastern terminus of the Capital Traction Company under such conditions as the Commissioners of the District of Columbia may prescribe, the plans and specifications to be approved by, and the construction to be under the supervision of, the Commissioners of the District of Columbia; and the said railway company shall bear one-half of the cost of maintenance and repair of said bridge in like manner and under the same conditions as are now provided by law as to bridges across Rock Creek occupied by the tracks of street railways.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRICT COURT IN ADDISON, W. VA.

Mr. SCOTT. As a personal favor I ask consent to call up the bill (S. 5914) establishing a regular term of United States district court in Addison, W. Va. It is a bill for a court, just as the other one was, and it will embarrass me if I do not get both of these court bills through.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported

from the Committee on the Judiciary with an amendment, in line 6, after the word "September," to insert:

Provided, That accommodations for said term of court shall be furnished without cost to the United States.

So as to made the bill read:

Be it enacted, etc., That the regular term of the district court of the United States for the southern district of West Virginia shall be held in each year in the city of Addison, W. Va., on the first Monday in September: *Provided*, That accommodations for said term of court shall be furnished without cost to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. BUMP.

Mr. PLATT of Connecticut. I ask unanimous consent to call up the bill (H. R. 10824) granting an increase of pension to George E. Bump.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of George E. Bump, late of Company A, First Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session, the doors were reopened, and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until tomorrow, Saturday, June 28, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 27, 1902.

REGISTERS OF LAND OFFICES.

George E. French, of Nebraska, to be register of the land office at North Platte, Nebr., to take effect August 8, 1902, at expiration of his present term. (Reappointment.)

Henry V. Hinman, of Roslyn, Wash., to be register of the land office at North Yakima, Wash., vice Walter J. Reed, term expired.

RECEIVERS OF PUBLIC MONEYS.

Frank Bacon, of Nebraska, to be receiver of public moneys at North Platte, Nebr., to take effect August 8, 1902, at expiration of his present term. (Reappointment.)

Eugene B. Hyde, of Spokane, Wash., to be receiver of public moneys at Spokane, Wash., vice Samuel A. Wells, term expired.

COLLECTORS OF CUSTOMS.

Isaac L. Patterson, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon. (Reappointment.)

Robert Smalls, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina. (Reappointment.)

William Mahone, of Virginia, to be collector of customs for the district of Petersburg, in the State of Virginia. Reappointment.

MARSHALS.

Walter F. Matthews, of Oregon, to be United States marshal for the district of Oregon, vice Zoeth Houser, who term expired January 9, 1902.

Frank S. Elgin, of Tennessee, to be United States marshal for the western district of Tennessee, vice Thomas H. Baker, whose term expired March 8, 1902.

APPOINTMENTS IN THE ARMY.

Cavalry arm.

Corpl. John A. Barry, Troop D, Third Cavalry, to be second lieutenant, June 13, 1902.

NOTE.—Corporal Barry was nominated to the Senate June 25, 1902, for appointment as second lieutenant in the Cavalry Arm, to rank from June 24, 1902. This nomination is submitted for correction of his date of rank to June 13, 1902, instead of June 24, 1902.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Capt. Joseph C. Byron, quartermaster, to be captain of infantry, with rank from March 2, 1899, vice Baker.

Capt. Chauncey B. Baker, Infantry Arm (detailed as quartermaster), to be quartermaster with the rank of captain, March 2, 1899, vice Byron.

APPOINTMENT AS MEDICAL OFFICER OF VOLUNTEERS.

John P. Kelly, of Florida, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers, with the rank of captain, June 26, 1902, vice Reifsnnyder, appointed surgeon of volunteers.

WITHDRAWAL.

Executive nomination withdrawn June 27, 1902.

Eli E. Starkey, to be postmaster at Seabreeze, in the State of Florida.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27, 1902.

CONSUL.

John B. Richardson, of Kansas, to be consul of the United States at Port Limon, Costa Rica.

APPOINTMENT IN REVENUE-CUTTER SERVICE.

Edward S. Addison, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States.

MARSHALS.

George M. Christian, of Iowa, to be United States marshal for the southern district of Iowa.

Edward Knott, of Iowa, to be United States marshal for the northern district of Iowa.

Fred A. Field, of Vermont, to be United States marshal for the district of Vermont.

William H. Darrough, of the Indian Territory, to be United States marshal for the northern district of the Indian Territory, commencing July 1, 1902.

UNITED STATES ATTORNEYS.

William M. Mellette, of the Indian Territory, to be United States attorney for the western district of the Indian Territory, commencing July 1, 1902.

Lewis Miles, of Iowa, to be United States attorney for the southern district of Iowa.

RECEIVER OF PUBLIC MONEYS.

J. M. W. Moore, of Prescott, Ariz., to be receiver of public moneys at Prescott, Ariz.

REGISTER OF THE LAND OFFICE.

Fen S. Hildreth, of Prescott, Ariz., to be register of the land office at Prescott, Ariz.

APPOINTMENTS IN THE NAVY.

To be civil engineers in the Navy, with the rank of lieutenant (junior grade), to fill vacancies existing in that corps, namely: Charles A. Wentworth, a citizen of Massachusetts.

George A. McKay, a citizen of New York.

PROMOTIONS IN THE NAVY.

Lieut. Thomas W. Ryan, to be a lieutenant-commander in the Navy from the 9th day of October, 1901.

Lieut. Commander John E. Roller, to be a commander in the Navy from the 28th day of December, 1901.

Lieut. Frederick C. Bowers, to be a lieutenant-commander in the Navy from the 5th day of April, 1902.

Lieut. (Junior Grade) William S. Whitted, to be a lieutenant in the Navy from the 5th day of April, 1902.

Commander Richardson Clover, to be a captain in the Navy from the 11th day of April, 1902.

Lieut. Commander John C. Fremont, to be a commander in the Navy from the 11th day of April, 1902.

Lieut. Commander Albert Mertz, to be a commander in the Navy from the 11th day of April, 1902.

Lieut. George R. Salisbury, to be a lieutenant-commander in the Navy from the 11th day of April, 1902.

Lieut. John L. Purcell, to be a lieutenant-commander in the Navy from the 11th day of April, 1902.

Lieut. (Junior Grade) Robert H. Osborn, to be a lieutenant in the Navy from the 11th day of April, 1902.

Lieut. Commander Rogers H. Galt, to be a commander in the Navy from the 29th day of April, 1902.

Lieut. Frank W. Kellogg, to be a lieutenant-commander in the Navy from the 29th day of April, 1902.

Lieut. (Junior Grade) Clarence England, to be a lieutenant in the Navy from the 29th day of April, 1902.

Commander John V. B. Bleecker, to be a captain in the Navy from the 3d day of June, 1902.

Lieut. Commander Vincendon L. Cottman to be a commander in the Navy from the 3d day of June, 1902.

Lieut. Reuben O. Bitler, to be a lieutenant-commander in the Navy from the 3d day of June, 1902.

Lieut. (Junior Grade) Edwin H. De Lany, to be a lieutenant in the Navy from the 3d day of June, 1902.

Capt. Yates Stirling, to be a rear-admiral in the Navy from the 8th day of June, 1902.

Commander Andrew Dunlap, to be a captain in the Navy from the 8th day of June, 1902.

Lieut. Commander Frank E. Sawyer, to be a commander in the Navy from the 8th day of June, 1902.

Lieut. Samuel H. Leonard, to be a lieutenant-commander in the Navy from the 8th day of June, 1902.

Lieut. (Junior Grade) Frank H. Brumby, to be a lieutenant in the Navy from the 8th day of June, 1902.

Commander John A. B. Smith, to be a captain in the Navy from the 8th day of June, 1902.

Lieut. Commander Thomas B. Howard, to be a commander in the Navy from the 8th day of June, 1902.

Lieut. Harry Phelps, to be a lieutenant-commander in the Navy from the 8th day of June, 1902.

Lieut. (Junior Grade) Charles K. Mallory, to be a lieutenant in the Navy from the 8th day of June, 1902.

Capt. William C. Wise, to be a rear-admiral in the Navy from the 14th day of June, 1902.

Commander Edward H. Gheen, to be a captain in the Navy from the 14th day of June, 1902.

Lieut. Commander Walter C. Cowles, to be a commander in the Navy from the 14th day of June, 1902.

Lieut. Homer C. Poundstone, to be a lieutenant-commander in the Navy from the 14th day of June, 1902.

Lieut. (Junior Grade) James P. Morton, to be a lieutenant in the Navy from the 14th day of June, 1902.

Lieut. (Junior Grade) Frank P. Baldwin, to be a lieutenant in the Navy from the 14th day of June, 1902.

Commander Wells L. Field, to be a captain in the Navy from the 16th day of June, 1902.

Lieut. Commander Austin M. Knight, to be a commander in the Navy from the 16th day of June, 1902.

Lieut. Albert A. Ackerman, to be a lieutenant-commander in the Navy from the 16th day of June, 1902.

Lieut. (Junior Grade) William C. Davidson, to be a lieutenant in the Navy from the 16th day of June, 1902.

Commander Harrison G. O. Colby, to be a captain in the Navy from the 18th day of June, 1902.

Lieut. Commander Charles J. Badger, to be a commander in the Navy from the 18th day of June, 1902.

Lieut. Leo D. Miner, to be a lieutenant-commander in the Navy from the 18th day of June, 1902.

Lieut. (Junior Grade) Newton Mansfield, to be a lieutenant in the Navy from the 18th day of June, 1902.

Lieut. Albert P. Niblack, to be a lieutenant-commander in the Navy from the 18th day of June, 1902.

Lieut. (Junior Grade) Harris Laning, to be a lieutenant in the Navy from the 18th day of June, 1902.

APPOINTMENTS IN THE ARMY.

TO BE SECOND LIEUTENANTS.

Corps of Engineers.

1. William A. Mitchell.
2. Warren T. Hannum.
3. Francis F. Longley.
4. Robert R. Ralston.
5. Mark Brooke.
6. Laurence V. Frazier.
7. James F. Bell.

Cavalry Arm.

12. Adam F. Casad.
17. John C. Pegram.
18. Charles H. Jennings.
19. Harry L. Hodges.
23. Rigby D. Valliant.
25. Victor S. Foster.
29. Samuel W. Robertson.
30. Herbert Z. Krumm.
31. Oscar Foley.
32. Frederick D. Griffith, jr.
33. William L. Stevenson.
34. Albert B. Dockery.
36. Henry E. Mitchell.
37. Edmund L. Zane.
38. Nelson A. Goodspeed.
39. Charles McH. Eby.
40. William H. Cowles.
44. William A. McCain.
45. John K. Herr.
46. Philip H. Sheridan.
47. Joseph F. Taulbee.
50. Andrew W. Smith.
52. Troup Miller.
54. William W. Edwards.

Artillery Corps.

9. Wade H. Carpenter.
10. Frederic W. Hinrichs, jr.
11. Samuel Frankenberger.
13. Charles M. Allen.
14. John E. Munroe.
16. Stephen Abbot.
21. William F. Morrison.
22. William H. Williams.
24. Myron S. Crissy.
26. Ned B. Rehkopf.
27. Walter K. Wilson.
28. John P. Terrell.
35. William M. Davis.

Infantry Arm.

8. Gilbert H. Stewart.
15. John M. Gibert.
20. Edward J. Moran.
41. John R. McGinness.
42. Henry M. Nelly.
43. Frederick F. Black.
48. James M. Hobson, jr.
49. David H. Bower.
51. Hiram M. Cooper.
53. Benjamin F. Miller.

INFANTRY ARM.

Louis Soléliac, jr., of New York, to be second lieutenant, June 23, 1902.

James W. Long, late captain in the United States Army, to be captain of infantry, June 24, 1902.

Sergt. Walter O. Boswell, general service, United States Army, to be second lieutenant, June 24, 1902.

CAVALRY ARM.

William D. Pritchard, of North Carolina, late first lieutenant, Forty-ninth Infantry, United States Volunteers, now first lieutenant, Porto Rico Provisional Regiment of Infantry, to be second lieutenant, June 20, 1902.

William Whitelaw Gordon, at large, to be second lieutenant, June 20, 1902.

Corpl. John A. Barry, Troop D, Third Cavalry, to be second lieutenant, June 13, 1902.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

Reynold Marvin Kirby-Smith, of Tennessee, late captain and assistant surgeon, First Tennessee Volunteers, June 24, 1902.

William Henry Moncrief, of Georgia, late first lieutenant and assistant surgeon, Second Georgia Volunteers, June 24, 1902.

George Lehman Collins, of Massachusetts, June 24, 1902.

Nelson Gapen, of the District of Columbia, June 24, 1902.

William Thornwall Davis, of Kentucky, June 24, 1902.

Charles Frederick Morse, of Vermont, June 24, 1902.

Samuel Ernest Lambert, of Alabama, June 24, 1902.

Theodore Lamson, of Massachusetts, June 24, 1902.

Haywood Shepherd Hansell, of Georgia, June 24, 1902.

Junius Claiborne Gregory, of Virginia, June 24, 1902.

Clarence Herbert Connor, of Iowa, June 24, 1902.

Jay Weir Grissinger, of Pennsylvania, June 24, 1902.

Will Leroy Pyles, of the District of Columbia, June 24, 1902.

Thomas Devereux, of Minnesota, June 24, 1902.

William Mitchell Smart, of the District of Columbia, June 24, 1902.

Robert Hamilton Pierson, of New York, June 24, 1902.

Cary Alexander Snoddy, of Tennessee, June 24, 1902.

Harry Selby Purnell, of Maryland, June 24, 1902.

Second Lieut. Albert S. Fuger, Eleventh Cavalry, from the Cavalry Arm to the Artillery Corps, with rank from February 2, 1901.

Second Lieut. Rawson Warren, Artillery Corps, from the Artillery Corps to the Cavalry Arm, with rank from February 2, 1901.

PROMOTIONS IN THE ARMY.

ARTILLERY CORPS.

Maj. Henry W. Hubbell, Artillery Corps, to be lieutenant-colonel, June 18, 1902.

Capt. John R. Williams, Artillery Corps, to be major, June 18, 1902.

INFANTRY ARM.

First Lieut. Warren S. Barlow, Fifteenth Infantry, to be captain, June 13, 1902.

POSTMASTERS.

Jacob H. Boger, to be postmaster at Findlay, in the county of Hancock and State of Ohio.

Eugene S. Low, to be postmaster at Hamilton, in the county of Caldwell and State of Missouri.

Frank M. Hoeye, to be postmaster at Perry, in the county of Dallas and State of Iowa.

Lew I. Sturgis, to be postmaster at Oelwein, in the county of Fayette and State of Iowa.

Thomas D. Ward, to be postmaster at Corpus Christi, in the county of Nueces and State of Texas.

George B. Zimpelman, to be postmaster at Austin, in the county of Travis and State of Texas.

Charles K. Miller, to be postmaster at Athens, in the county of Henderson and State of Texas.

Thomas Breen, to be postmaster at Mineola, in the county of Wood and State of Texas.

Hal Singleton, to be postmaster at Jefferson, in the county of Marion and State of Texas.

Richard O. Misener, to be postmaster at Hamilton, in the county of Hamilton and State of Texas.

William L. Lemon, to be postmaster at North Yakima, in the county of Yakima and State of Washington.

N. O. Baldwin, to be postmaster at Pomeroy, in the county of Garfield and State of Washington.

J. D. Burns, to be postmaster at Tyler, in the county of Smith and State of Texas.

Francis M. Barton, to be postmaster at Terrell, in the county of Kaufman and State of Texas.

Lynn G. Thomas, to be postmaster at Canton, in the county of Bradford and State of Pennsylvania.

Ira Brown, to be postmaster at Sedro-Woolley, in the county of Skagit and State of Washington.

Eugene E. Robertson, to be postmaster at Collins, in the county of Covington and State of Mississippi.

Maud Olmsted, to be postmaster at Littleton, in the county of Arapahoe and State of Colorado.

R. P. Campbell, to be postmaster at Aberdeen, in the county of Chehalis and State of Washington.

Charles W. Anderson, to be postmaster at Platte, in the county of Charles Mix and State of South Dakota.

Joshua P. Jessup, to be postmaster at Hertford, in the county of Perquimans and State of North Carolina.

George W. Young, to be postmaster at Brevard, in the county of Transylvania and State of North Carolina.

Joel S. Ray, to be postmaster at Arcola, in the county of Douglas and State of Illinois.

Paul A. F. Walter, to be postmaster at Santa Fe, in the county of Santa Fe and Territory of New Mexico.

Charles H. Kuester, to be postmaster at North Judson, in the county of Starke and State of Indiana.

Joseph T. Van Gundy, to be postmaster at Monticello, in the county of Piatt and State of Illinois.

Cassius M. C. Weedman, to be postmaster at Farmer City, in the county of De Witt and State of Illinois.

William H. Steen, to be postmaster at Braidwood, in the county of Will and State of Illinois.

James Frey, to be postmaster at Enterprise, in the county of Dickinson and State of Kansas.

William H. Ellett, to be postmaster at Eldorado, in the county of Butler and State of Kansas.

George S. Harris, to be postmaster at Gas City, in the county of Grant and State of Indiana.

Thomas E. Hurley, to be postmaster at Minneapolis, in the county of Ottawa and State of Kansas.

Isaac B. Davis, to be postmaster at Marysville, in the county of Marshall and State of Kansas.

Henry L. Henderson, to be postmaster at Iola, in the county of Allen and State of Kansas.

Bernard Roddy, to be postmaster at South Amboy, in the county of Middlesex and State of New Jersey.

Louis T. Drouse, to be postmaster at Camden, in the county of Camden and State of New Jersey.

Floyd E. Young, to be postmaster at Stockton, in the county of Rooks and State of Kansas.

Charles E. Sheldon, to be postmaster at Sherman, in the county of Chautauqua and State of New York.

Frank Jones, to be postmaster at Ballston Spa, in the county of Saratoga and State of New York.

Milo B. Greene, to be postmaster at Alfred, in the county of Allegany and State of New York.

Mark Sternberger, to be postmaster at Jackson, in the county of Jackson and State of Ohio.

John O. Burton, to be postmaster at Weldon, in the county of Halifax and State of North Carolina.

George L. Patterson, to be postmaster at Concord, in the county of Cabarrus and State of North Carolina.

William J. Hamilton, to be postmaster at Linton, in the county of Greene and State of Indiana.

Ida A. Hewes, to be postmaster at Casper, in the county of Natrona and State of Wyoming.

William F. Hains, to be postmaster at Wilmington, in the county of Clinton and State of Ohio.

L. C. Schultz, to be postmaster at Green River, in the county of Sweetwater and State of Wyoming.

Stephen Farmer, to be postmaster at Greenfield, in the county of Weakley and State of Tennessee.

J. Watts Kearny, to be postmaster at New Orleans, in the parish of Orleans and State of Louisiana.

John M. Benedict, to be postmaster at Centralia, in the county of Lewis and State of Washington.

Drewy W. Rhyne, to be postmaster at Lexington, in the county of Holmes and State of Mississippi.

Louis J. Piernas, to be postmaster at Bay St. Louis, in the county of Hancock and State of Mississippi.

Charles Lattimore, to be postmaster at Milford, in the county of Pike and State of Pennsylvania.

T. A. Cochran, to be postmaster at Apollo, in the county of Armstrong and State of Pennsylvania.

Ralph N. Warner, jr., to be postmaster at Haverford, in the county of Montgomery and State of Pennsylvania.

Abram M. Morrison, to be postmaster at Ennis, in the county of Ellis and State of Texas.

Carrie E. Hoke, to be postmaster at Taylor, in the county of Williamson and State of Texas.

Walter S. Yates, to be postmaster at Forney, in the county of Kaufman and State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 27, 1902.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments a bill of the House (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15108, the general deficiency bill, and ask that the House disagree to all of the Senate amendments and ask for a conference thereon.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 15108, the general deficiency bill, and that the House disagree to the amendments of the Senate and ask for a conference thereon. Is there objection?

Mr. ALEXANDER. Mr. Speaker, reserving the right to object, I would ask the gentleman from Illinois [Mr. CANNON] if it goes to a conference at once if he will allow a separate vote to be taken upon the Buffalo Exposition amendment when it comes back from conference?

Mr. CANNON. Mr. Speaker, I would say to the gentleman from New York that I have not the power to deny a separate vote if I would. Now, then, if the Senate is in earnest in placing on this amendment for the Pan-American Exposition, I have no doubt that the disagreement will be submitted to the House. I want to be fair with the gentleman, and I would state that so far as I am concerned as an individual member of the House I am against the proposition; but when the disagreement is reported the gentleman can make his motion, and if the Senate is in earnest about it there will be a disagreement if I am one of the conferees and my brethren agree with me.

Mr. ALEXANDER. Then, with the understanding that if it comes back from conference there will be an opportunity to take a separate vote on this amendment—

Mr. CANNON. Why, I could not cut the gentleman off from a separate vote if I would.

Mr. ALEXANDER. Would the gentleman from Illinois be willing to consider it now, to have a vote taken to agree to the Buffalo amendment?

Mr. CANNON. The gentleman has that power. I suppose he could call up any one of these amendments. My judgment is, I would say to him, that there is more expedition in the course that I have asked unanimous consent for.

Mr. ALEXANDER. Very well.

Mr. CANNON. But that is only my judgment, and the gentleman could pursue his own course.

Mr. ALEXANDER. Very well.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

The Chair announced the following conferees on the part of the House: Messrs. CANNON, BARNEY, and LIVINGSTON.

ELIZABETH A. TURNER.

Mr. BROMWELL. Mr. Speaker, I call up a conference report on the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner, and ask unanimous consent that the reading of the report may be dispensed with and the statement be read in its place.

The SPEAKER. The gentleman from Ohio calls up a conference report, and asks unanimous consent to dispense with the reading of the report and that the statement be read.

Mr. GAINES of Tennessee. What is the report about?

Mr. BROMWELL. A conference report on a pension bill.

The SPEAKER. Without objection, this course will be pursued.

There was no objection.

The Clerk read the statement, to be found on page 7442.

Mr. BROMWELL. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on the motion of the gentleman from Ohio.

The question was taken, and the report adopted.

ADELAIDE G. HATCH.

Mr. BROMWELL. Mr. Speaker, I call up a conference report on the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch, and ask unanimous consent that the reading of the report be dispensed with and that the statement be read.

The SPEAKER. The gentleman from Ohio calls up the conference report and asks unanimous consent that the reading of the report be dispensed with and the statement be read. Without objection this course will be pursued.

There was no objection.

The Clerk read the statement, to be found on page 7442.

Mr. BROMWELL. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on agreeing to the conference report.

The report was agreed to.

CLARA W. M'NAIR.

Mr. BROMWELL. Mr. Speaker, I call up a conference report on the bill (S. 1225) granting an increase of pension to Clara W. McNair, and ask unanimous consent that the reading of the report be dispensed with and that the statement be read.

The SPEAKER. The gentleman from Ohio calls up a conference report and asks unanimous consent that the reading of the report be dispensed with and that the statement be read. Without objection, this course will be pursued.

There was no objection.

The Clerk read the statement, to be found on page 7442.

Mr. BROMWELL. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on the motion of the gentleman from Ohio to agree to the conference report.

The question was taken, and the report agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. ALLISON, and Mr. CULBERSON as conferees on the part of the Senate.

CLAYTON P. VAN HOUTEN.

Mr. BROMWELL. Mr. Speaker, I call up the conference report on the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten.

The conference report and statement were read.

(For conference report and statement see page 7442.)

The conference report was agreed to.

On motion of Mr. BROMWELL, a motion to reconsider the votes by which the several conference reports were adopted was laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER, PENNSYLVANIA.

The SPEAKER. The Chair lays before the House the bill (S. 4611) to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania, being similar to a House bill favorably reported and not requiring consideration in Committee of the Whole.

The bill was read. It provides that the West Elizabeth and Dravosburg Bridge Company, a corporation organized under the

laws of the State of Pennsylvania, is hereby authorized to construct, maintain, and operate a bridge across the Monongahela River between a point on the eastern side of said river, at or near property of the Glassport Brick Company, in the borough of Port Vue, in the county of Allegheny, and a point on the western side of said river, in the township of Jefferson, in said county, on property of the Monongahela River Consolidated Coal and Coke Company, fronting on the public road, known as the river road, between Dravos and West Elizabeth.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the bill H. R. 12706, being the corresponding House bill, was ordered to lie on the table.

PROMOTIONS AND RETIREMENTS IN THE ARMY.

Mr. MONDELL. Mr. Speaker, I am authorized by the Committee on Military Affairs to call up a privileged resolution, No. 284.

The SPEAKER. The gentleman from Wyoming, from the Committee on Military Affairs, calls up a privileged resolution, which the Clerk will report.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the House of Representatives of the number of promotions made in the Army since the 1st day of April, 1898, of officers, together with their names and rank, who have been retired within one year of their last promotion with a higher grade than that held at the time of their promotion, and the said Secretary of War is also directed to report to the House of Representatives the additional cost to the Government by reason of these promotions and retirements.

Mr. RICHARDSON of Tennessee. I should like to understand this resolution. I do not know why it is privileged.

The SPEAKER. It is a seven-day resolution of inquiry.

Mr. RICHARDSON of Tennessee. A resolution of inquiry addressed to the head of a department?

Mr. MONDELL. A resolution of inquiry addressed to the Secretary of War, and I am instructed by the Committee on Military Affairs to move that the resolution be adopted.

The resolution was agreed to.

BRIDGE ACROSS MISSOURI RIVER, PIERRE, S. DAK.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River, at Pierre, S. Dak.

The bill was read. It provides that the Duluth, Pierre and Black Hills Railroad Company, a corporation duly organized under the general incorporation laws of the State of South Dakota, its successors and assigns, is hereby authorized to construct and maintain a bridge across the Missouri River at or near the city of Pierre, Hughes County, S. Dak., and also to lay on and over said bridge a railway track or tracks for the passage of railway trains; and said corporation may construct and maintain ways for wagons, carriages, and foot passengers, charging and receiving such reasonable tolls therefor as may be approved from time to time by the Secretary of War.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

COURT OF APPEALS, ATLANTA, GA.

Mr. FLEMING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year.

The bill was read.

The amendments recommended by the Committee on the Judiciary were read.

The SPEAKER. Is there objection?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. FLEMING, a motion to reconsider the last vote was laid on the table.

GEORGE H. PAUL.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the desk.

The Clerk read as follows:

A bill (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy.

Be it enacted, etc. That the Secretary of the Navy is hereby authorized to appoint George H. Paul to fill an original vacancy in the 100 warrant machinists in the Navy, authorized by section 14 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," notwithstanding he was about seven months beyond the age limit at the time of examination he having passed the examination, near the top of the list, under a misapprehension as to the age limit, and having served twelve months at the Naval Academy and four years at sea in the Government service as an engineer.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, Mr. Speaker, I would like to have some explanation as to what this bill does and the necessity for it. I ask for order, that we may hear the gentleman.

Mr. OTJEN. Mr. Speaker, this young man took the examination for a warrant machinist, and after he had taken the examination it was found that he was seven months over the age limit. The Secretary of the Navy recommends that he be appointed. The bill has passed the Senate, and it has been recommended by the Committee on Naval Affairs.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. There are no peculiar reasons for the action?

Mr. OTJEN. He passed a very high examination and stands very nearly at the top of the list. He has served one year in the Naval Academy. He has had four years of sea experience, and the Secretary of the Navy is holding one of these places open for him, and on account of his high examination and experience recommends his appointment.

Mr. RICHARDSON of Tennessee. I do not like this matter of special legislation, Mr. Speaker, and without further understanding the matter I shall object to its consideration.

The SPEAKER. Objection is made.

Subsequently,

The SPEAKER. The Chair is advised that the gentleman from Tennessee has withdrawn objection to the bill called up by the gentleman from Wisconsin [Mr. OTJEN].

Mr. RICHARDSON of Tennessee. Mr. Speaker, I made the objection. After an examination of the bill, so far as I am concerned, I have no further objection to its consideration.

The SPEAKER. Is there further objection?

Mr. MOON. Mr. Speaker, I object.

The SPEAKER. Does the gentleman object?

Mr. MOON. I do.

The SPEAKER. Objection is again made.

MARINE-HOSPITAL SERVICE.

Mr. ADAMSON. Mr. Speaker, by instruction of the Committee on Interstate and Foreign Commerce I desire to ask unanimous consent for the consideration of the bill (S. 2162).

The Clerk read as follows:

A bill (S. 2162) to increase the efficiency and change the name of the United States Marine-Hospital Service.

Be it enacted, etc. That the United States Marine-Hospital Service shall hereafter be known and designated as the Public Health and Marine-Hospital Service of the United States, and the Supervising Surgeon-General and the officers now or hereafter commissioned under the act of January 4, 1889, entitled "An act to regulate appointments in the Marine-Hospital Service of the United States," and acts amendatory thereof, shall hereafter be known as the Surgeon-General, surgeons, passed assistant surgeons, and assistant surgeons of the Public Health and Marine-Hospital Service of the United States. Nothing in this act contained shall be held or construed to discharge any of the officers above named, or any of the acting assistant surgeons, pharmacists, and other employees of the Marine-Hospital Service, or to deprive any officer of his commission or the benefits derived by longevity of service. The care of sick and disabled seamen and all other duties now required by law to be performed by the Marine-Hospital Service shall hereafter be performed by the Public Health and Marine-Hospital Service, and all funds and appropriations now provided by law for use by the Marine-Hospital Service and all properties and rights pertaining to said service shall be available for use for like purposes and in like manner, under the Treasury Department, by the Public Health and Marine-Hospital Service.

SEC. 2. That the salary of the Surgeon-General of the Public Health and Marine-Hospital Service shall be \$5,000 per annum, and the salaries and allowances of the commissioned medical officers of said service shall be the same as now provided by regulations of the Marine-Hospital Service.

SEC. 3. That commissioned medical officers, when detailed by the Surgeon-General for duty in the Public Health and Marine-Hospital Bureau at Washington, D. C., in charge of the administrative divisions thereof, namely, marine hospitals and relief, domestic quarantine, foreign and insular quarantine, personnel and accounts, sanitary reports and statistics, and scientific research, shall, while thus serving, be assistant surgeons-general of the Public Health and Marine-Hospital Service, but their pay and allowances shall be the same as now provided by regulations of the Marine-Hospital Service for officers in charge of said divisions; and the senior officer thus serving shall be the assistant within the meaning of section 178, Revised Statutes of the United States: *Provided, however*, That no such officer shall be detailed in charge of said divisions who is below the rank of passed assistant surgeon.

SEC. 4. That the President is authorized, in his discretion, to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing the efficiency of the service for the purposes for which the same was created and is maintained.

SEC. 5. That there shall be an advisory board for the hygienic laboratory provided by the act of Congress approved March 3, 1901, for consultation with the Surgeon-General of the Public Health and Marine-Hospital Service

relative to the investigations to be inaugurated, and the methods of conducting the same, in said laboratory. Said board shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, respectively, which experts, with the director of the said laboratory, shall be ex officio members of the board, and serve without additional compensation. Five other members of said board shall be appointed by the Surgeon-General of the Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury, who shall be skilled in laboratory work in its relation to the public health, and not in the regular employment of the Government. The said five members shall each receive compensation of \$10 per diem while serving in conference, as aforesaid, together with allowance for actual and necessary traveling expenses and hotel expenses while in conference. Said conference is not to exceed ten days in any one fiscal year. The term of service of the five members of said board, not in the regular employment of the Government, first appointed shall be so arranged that one of said members shall retire each year, the subsequent appointments to be for a period of five years. Appointments to fill vacancies occurring in a manner other than as above provided shall be made for the unexpired term of the member whose place has become vacant.

SEC. 6. That there shall be appointed by the Surgeon-General, with the approval of the Secretary of the Treasury, whenever, in the opinion of the Surgeon-General, commissioned medical officers of the Public Health and Marine-Hospital Service are not available for this duty by detail, competent persons to take charge of the divisions, respectively, of chemistry, zoology, and pharmacology of the hygienic laboratory, who shall each receive such pay as shall be fixed by the Surgeon-General, with the approval of the Secretary of the Treasury. The director of the said laboratory shall be an officer detailed from the corps of commissioned medical officers of the Public Health and Marine-Hospital Service, as now provided by regulations for said detail from the Marine-Hospital Service, and while thus serving shall have the pay and emoluments of a surgeon: *Provided*, That all commissioned officers of the Public Health and Marine-Hospital Service not below the grade of passed assistant surgeon shall be eligible to assignment to duty in charge of the said divisions of the hygienic laboratory, and while serving in such capacity shall be entitled to the pay and emoluments of their rank.

SEC. 7. That when, in the opinion of the Surgeon-General of the Public Health and Marine-Hospital Service of the United States, the interests of the public health would be promoted by a conference of said service with State or Territorial boards of health, quarantine authorities, or State health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper to send delegates, not more than one from each State or Territory and District of Columbia, to said conference: *Provided*, That an annual conference of the health authorities of all the States and Territories and the District of Columbia shall be called, each of said States, Territories, and the District of Columbia to be entitled to one delegate: *And provided further*, That it shall be the duty of the said Surgeon-General to call a conference upon the application of not less than five State or Territorial boards of health, quarantine authorities, or State health officers, each of said States and Territories joining in such request to be represented by one delegate.

SEC. 8. That to secure uniformity in the registration of mortality, morbidity, and vital statistics it shall be the duty of the Surgeon-General of the Public Health and Marine-Hospital Service, after the annual conference required by section 7 to be called, to prepare and distribute suitable and necessary forms for the collection and compilation of such statistics, and said statistics, when transmitted to the Public Health and Marine-Hospital Bureau on said forms, shall be compiled and published by the Public Health and Marine-Hospital Service as a part of the health reports published by said service.

SEC. 9. That the President shall from time to time prescribe rules for the conduct of the Public Health and Marine-Hospital Service. He shall also prescribe regulations respecting its internal administration and discipline, and the uniforms of its officers and employees. It shall be the duty of the Surgeon-General to transmit annually to the Secretary of the Treasury, for transmission by said Secretary to Congress, a full and complete report of the transactions of said service, including a detailed statement of receipts and disbursements.

Mr. MANN. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. It is.

Mr. MANN. Well, Mr. Speaker, I think that bill is too important a measure to be considered by unanimous consent without going into Committee of the Whole, and I object.

The SPEAKER. Objection is made.

PHILIPPINE GOVERNMENT.

Mr. COOPER of Wisconsin. Mr. Speaker, I call up the Philippine government bill, and move that the House insist upon its amendments disagreed to by the Senate and agree to the conference asked.

The SPEAKER. The gentleman from Wisconsin moves that the House insist on its amendments to the Philippine government bill and agree to the conference asked by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. COOPER of Wisconsin, Mr. PAYNE, Mr. CRUMPACKER, Mr. JONES of Virginia, and Mr. MADDOX.

AMENDMENT OF DISTRICT CODE.

Mr. JENKINS. Mr. Speaker, I desire to submit a conference report.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia."

The SPEAKER. The report and statement will be printed, under the rule.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia,"

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

In said amendment, page 1, line 8, strike out "four" and insert "six." On page 2 strike out lines 7 to 15, inclusive, and in lieu thereof insert the following:

"And said supreme court shall from time to time divide the said district into subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require. No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office. When the number of such justices of the peace shall be reduced by death, resignation, or expiration of term of service, or otherwise, to six, the number of such justices of the peace shall be six only, and if the number shall not be reduced to six until the expiration of the term of the present justices of the peace, only six vacancies shall then be filled."

On page 3 strike out line 1.

On page 5, line 18, after "President," insert "by and with the advice and consent of the Senate."

On page 14, line 19, strike out "drunkards" and insert "any person."

On page 16, line 9, after "compensation," insert "at the rate of \$4,000 per annum;" and in line 10, after the word "wills," add the following proviso: "And provided further, That the employees of said office shall not be in excess of the number actually necessary for the proper conduct of the office of said register of wills."

On page 32, line 25, strike out "five" and insert "fifth."

On page 35, line 25, strike out "live" and insert "life."

On page 56 strike out lines 23, 24, and 25; and on page 57 strike out lines 1 and 2, and in lieu thereof insert the following:

"Sec. 1073a. Whenever the court shall be satisfied that the party producing a witness has been taken by surprise by the testimony of such witness such party may, in the discretion of the court, be allowed to prove, for the purpose only of affecting the credibility of the witness, that the witness has made to such party or to his attorney statements substantially variant from his sworn testimony about material facts in the cause; but before such."

On page 61, line 1, strike out "such person or corporation" and insert "the creditor."

On page 64, line 1, strike out "four" and insert "five."

On page 64, line 15, after "court," insert "holding an equity term;" and in line 18, after the word "infant," add "The court shall have power, in its discretion, to grant the prayer of such petition."

On page 68, line 10, strike out "line 3" and insert "lines 2 and 3."

And the House agree to the same.

JOHN J. JENKINS,

SAML. W. SMITH,

W. S. COWHERD,

Managers on the part of the House.

J. C. PRITCHARD,

W. P. DILLINGHAM,

THOMAS S. MARTIN,

Managers on the part of the Senate.

The statement is as follows:

Statement of the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 493, "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia.'"

The first amendment provides for a reduction in the number of the justices of the peace from ten to six, instead of to four, as provided by the House, the reduction to take place as the present justices retire from office, either by death, resignation, or expiration of terms.

The second amendment provides for changes in the subdistricts to correspond with the reduction of the number of justices of the peace.

The third amendment leaves section 7 of the code as it is at the present time.

The fourth amendment provides that the nominations of justices of the peace shall continue to be confirmed by the Senate.

The fifth amendment is simply a change in legal phraseology.

The sixth amendment provides that the employees of the office of the register of wills shall be restricted to the number actually necessary to the proper conduct of that office, and makes the compensation of this officer to correspond with that received by the register of deeds and the clerk of the supreme court of the District of Columbia.

The further amendments are simply verbal, or changes in the legal phraseology.

JOHN J. JENKINS,

SAML. W. SMITH,

W. S. COWHERD,

Managers on the part of the House.

AUTOMATIC CAR COUPLERS.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 15144) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

Be it enacted, etc., That the provisions and requirements of the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, shall be held to apply to common carriers by railroads operated by steam power in the Territories and the District of Columbia; and the provisions and requirements hereof, and of said acts relating to automatic couplers, grab irons, and the height of drawbars, shall be held to apply to all locomotives, tenders, cars, and similar vehicles used on any railroad operated by steam power engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section 6 of said act of March 2, 1893, as amended by the act of April 1, 1896; and the grab irons or hand holds in the ends of locomotives and tenders shall extend the full length of the end sills thereof, and shall extend upward at least 4 inches clear of any obstruction.

Sec. 2. That whenever, as provided for in said act, any car is equipped with train or power brakes in condition to be operated the same shall be

used and operated in every train in which such car is hauled, unless independently of such car 65 per cent of the cars in such train are equipped with power or train brakes and are associated together and so used and operated in such train: *Provided*, That nothing in this act shall be held to release any common carrier from any of the provisions or requirements of said act approved March 2, 1893, and amended April 1, 1896.

Sec. 3. That the provisions of section 1 of this act shall not take effect until January 1, 1903, and the provisions of section 2 of this act shall not take effect until ninety days after the passage of this act.

Mr. BINGHAM. Mr. Speaker, I object.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 493) to amend an act entitled "An act to establish a code of laws for the District of Columbia."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service.

ARTURO R. CALVO.

Mr. SLAYDEN. Mr. Speaker, I desire to call up and ask unanimous consent for the consideration of Senate joint resolution 118.

The Clerk read as follows:

A joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica.

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Arturo R. Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Arturo R. Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection?

Mr. MOON. I object, Mr. Speaker.

The SPEAKER. Objection is made.

HOUSE CALENDAR.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask for the present consideration of the following privileged resolution, No. 319.

The Clerk read as follows:

Resolved, That of the last issue of the House Calendar for the first session of the Fifty-seventh Congress there shall be printed as a House document 1,000 copies, of which number 400 copies shall be bound in cloth, for the use of the House.

The resolution was agreed to.

REPORT OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. HEATWOLE. Mr. Speaker, I am also directed by the Committee on Printing to call up Senate concurrent resolution No. 27.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 7,500 additional copies of Senate Document No. 164, third session Fifty-fifth Congress, being the report of the Daughters of the American Revolution for 1890 to 1897, together with the historical preface herewith, indorsed by the board of management of that society, of which 2,500 shall be for the use of the Senate and 5,000 for the use of the House of Representatives.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the last two votes was laid on the table.

CAPT. SIDNEY S. SHAW.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7539) for the relief of Capt. Sidney S. Shaw.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOON. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 198, giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be

held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment.

The Clerk read the joint resolution at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MOON. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

AMENDING SECTIONS 3362 AND 3394 OF REVISED STATUTES.

Mr. GROSVENOR. Mr. Speaker, I call up the privileged bill (S. 3896) to amend section 3362 of the Revised Statutes, relating to tobacco.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3362 of the Revised Statutes, as amended by the act of March 1, 1879, and by the act of January 9, 1883, be, and the same is hereby, amended by striking all out after the fifth paragraph thereof and inserting in lieu of the words so stricken out the following:

"And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: *Provided*, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: *And provided further*, That perique tobacco, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: *And provided further*, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars under such regulations as the Commissioner of Internal Revenue may establish."

The following amendment was recommended by the committee:

Add the following as section 2:

"SEC. 2. That the last paragraph of section 3394 of the Revised Statutes, as amended by the tenth section of the act of July 24, 1897, is hereby further amended so as to read as follows:

"No packages of manufactured tobacco, snuff, cigars, or cigarettes prescribed by law shall be permitted to have packed in or attached to or connected with them, nor affixed to, branded, stamped, marked, written, or printed upon them, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, nor any indecent or immoral picture, representation, print, or words; and any violation of the provisions of this paragraph shall subject the offender to the penalties and punishments provided by section 3456 of the Revised Statutes."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman from Ohio if this has been reported from the committee.

Mr. GROSVENOR. It is the unanimous report of the Committee on Ways and Means. There is an amendment to the bill, Mr. Speaker.

The amendment was agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

Mr. GROSVENOR. I desire to ask unanimous consent to amend the title by adding "section 3394." The amendment amends another section, so that the title does not cover both sections.

The SPEAKER. Without objection, the amendment of the title will be agreed to.

There was no objection.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. The bill having been passed, will not the gentleman have to move to reconsider?

The SPEAKER. Not where unanimous consent is given to amend the title, as is customary.

AMENDMENT TO INTERNAL-REVENUE LAWS.

Mr. DALZELL. Mr. Speaker, I call up the privileged bill (H. R. 179) to amend the internal-revenue laws.

The Clerk read the bill, as follows:

Be it enacted, etc., That all distilled spirits now in internal-revenue bonded warehouses or which may hereafter be produced and deposited in such warehouses shall be entitled to the same allowance for loss from leakage or evaporation which now exists in favor of distilled spirits produced, gauged, and so deposited prior to January 1, 1899, and subject to the same conditions and limitations.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—HORTON AGAINST BUTLER.

Mr. TAYLER of Ohio. I call up the contested-election case of Horton v. Butler, from the Twelfth Congressional district of Missouri. I ask that the resolution reported by the committee be read.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to make a parliamentary inquiry. Is not this day set apart under the rules as the day for invalid pensions?

The SPEAKER. It is; but the election case is of higher privilege.

Mr. RICHARDSON of Tennessee. Surely we are not going to set aside the pension business assigned by the rules for to-day in order to take up an election contest where no one is to be seated. Surely gentlemen do not desire to do that. I wish to raise the question of consideration.

The SPEAKER. The resolution will first be read.

The Clerk read as follows:

Resolved, That no valid election for Representative in Congress was held in the Twelfth Congressional district of Missouri on the 6th day of November, 1900, and that the seat now held by the contestee is hereby declared vacant.

Mr. BOWIE. Mr. Speaker, I would like to have about five minutes by unanimous consent.

Mr. TAYLER of Ohio. I demand the regular order.

The SPEAKER. The regular order is demanded. The gentleman from Tennessee raises the question of consideration.

Mr. RICHARDSON of Tennessee. I understand that Mr. Butler, the contestee in this case, is sick in bed, and that his physician certifies he is not able to be here.

The SPEAKER. The question of consideration is not debatable.

Mr. TAYLER of Ohio. I call for the regular order.

Mr. RICHARDSON of Tennessee. I remind gentlemen that this is the last day of the present session on which pension business will have any showing. I raise the question of consideration.

The SPEAKER. The gentleman from Tennessee is out of order. The question of consideration has been raised, and is not debatable.

Mr. RICHARDSON of Tennessee. This is the last day you will get for pensions.

The SPEAKER. The gentleman from Tennessee is out of order, and he will please take his seat.

The question being taken, Will the House now consider the resolution reported from the Committee on Elections? there were—ayes 114, noes 88.

Mr. RICHARDSON of Tennessee. I call for tellers.

Tellers were ordered.

Mr. TAYLER of Ohio. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 112, answered "present" 12, not voting 80; as follows:

YEAS—146.

Adams,	Darragh,	Howell,	Powers, Mass.
Alexander,	Davidson,	Hughes,	Prince,
Allen, Me.	Dayton,	Jack,	Ray, N. Y.
Aplin,	Deemer,	Jones, Wash.	Reeves,
Babcock,	Dick,	Ketcham,	Roberts,
Ball, Del.	Douglas,	Knapp,	Rumple,
Bartholdt,	Dovener,	Knox,	Schirm,
Bates,	Draper,	Kyle,	Scott,
Beidler,	Eddy,	Lacey,	Shattuc,
Bingham,	Foerderer,	Lawrence,	Showalter,
Bishop,	Foss,	Lessler,	Sibley,
Blackburn,	Foster, Vt.	Lewis, Pa.	Smith, Ill.
Boutell,	Fowler,	Littlefield,	Smith, Iowa
Bowersock,	Gaines, W. Va.	Loud,	Smith, S. W.
Brick,	Gardner, Mich.	Lovering,	Southard,
Bristow,	Gardner, N. J.	McCall,	Southwick,
Bromwell,	Gibson,	McLachlan,	Sperry,
Brown,	Gill,	Mahon,	Steele,
Brownlow,	Gillet, N. Y.	Mann,	Stevens, Minn.
Burk, Pa.	Graff,	Marshall,	Stewart, N. J.
Burke, S. Dak.	Graham,	Martin,	Stewart, N. Y.
Burleigh,	Greene, Mass.	Mercer,	Sulloway,
Burton,	Grosvenor,	Miller,	Sutherland,
Butler, Pa.	Grow,	Moody, N. C.	Tawney,
Calderhead,	Hamilton,	Moody, Oreg.	Taylor, Ohio
Capron,	Hanbury,	Morgan,	Thomas, Iowa
Cassel,	Haskins,	Morrell,	Tirrell,
Conner,	Heatwole,	Moss,	Tongue,
Coombs,	Hedge,	Mudd,	Van Voorhis,
Cousins,	Hemenway,	Nevin,	Wachter,
Cromer,	Henry, Conn.	Olmsted,	Wadsworth,
Crumpacker,	Hepburn,	Otjen,	Wanger,
Currier,	Hildebrandt,	Overstreet,	Warner,
Curtis,	Hill,	Palmer,	Warnock,
Cushman,	Hitt,	Payne,	Watson,
Dahle,	Holliday,	Pearre,	
Dalzell,	Hopkins,	Perkins,	

NAYS—112.

Adamson,	Clayton,	Griffith,	Lewis, Ga.
Allen, Ky.	Cooper, Tex.	Griggs,	Lindsay,
Ball, Tex.	Cowherd,	Hay,	Little,
Bankhead,	Davey, La.	Hooker,	Livingston,
Bartlett,	De Armond,	Howard,	Lloyd,
Bell,	Dinsmore,	Jackson, Kans.	McClellan,
Benton,	Dougherty,	Johnson,	McCulloch,
Bowie,	Feely,	Jones, Va.	McDermott,
Brantley,	Finley,	Kehoe,	McRae,
Breazeale,	Fitzgerald,	Kitchin, Claude	Maddox,
Burgess,	Fleming,	Kitchin, Wm. W.	Mahoney,
Burleson,	Flood,	Kieberg,	Maynard,
Burnett,	Foster, Ill.	Kluttz,	Meyer, La.
Caldwell,	Gaines, Tenn.	Lamb,	Mickey,
Candler,	Goldfogle,	Lanham,	Miers, Ind.
Cassingham,	Gordon,	Lassiter,	Moon,
Clark,	Green, Pa.	Lester,	Mutchler,

Napheu,	Rhea, Va.	Sims,	Tate,
Neville,	Richardson, Ala.	Slayden,	Thayer,
Newlands,	Richardson, Tenn.	Small,	Thomas, N. C.
Norton,	Rixey,	Snodgrass,	Thompson,
Padgett,	Robb,	Snook,	Underwood,
Patterson, Tenn.	Robinson, Ind.	Sparkman,	Wiley,
Pierce,	Robinson, Nebr.	Spight,	Williams, Ill.
Pou,	Rucker,	Stark,	Williams, Miss.
Pugsley,	Ryan,	Stephens, Tex.	Wilson,
Randell, Tex.	Shackleford,	Sulzer,	Wooten,
Ransdell, La.	Shafroth,	Swanson,	Zenor.

ANSWERED "PRESENT"—12.

Burkett,	Evans,	Kahn,	Powers, Me.
Cochran,	Irwin,	Metcalf,	Skiles,
Emerson,	Jenkins,	Needham,	Wright.

NOT VOTING—80.

Acheson,	Edwards,	Latimer,	Shallenberger,
Barney,	Elliott,	Lever,	Shelden,
Bellamy,	Esch,	Littauer,	Sheppard,
Belmont,	Fletcher,	Long,	Sherman,
Blakeney,	Fordney,	Loudenslager,	Smith, Ky.
Boreing,	Fox,	McAndrews,	Smith, H. C.
Broussard,	Gilbert,	McCleary,	Smith, Wm. Alden
Brundidge,	Gillett, Mass.	McLain,	Storm,
Bull,	Glenn,	Minor,	Talbert,
Cannon,	Gooch,	Mondell,	Taylor, Ala.
Connell,	Hall,	Morris,	Tompkins, N. Y.
Conry,	Haugen,	Parker,	Tompkins, Ohio
Cooney,	Henry, Miss.	Patterson, Pa.	Trimble,
Cooper, Wis.	Henry, Tex.	Reeder,	Vandiver,
Corliss,	Hull,	Reid,	Vreeland,
Creamer,	Jackson, Md.	Robertson, La.	Weeks,
Crowley,	Jett,	Ruppert,	Wheeler,
Davis, Fla.	Joy,	Russell,	White,
De Graffenreid,	Kern,	Scarborough,	Woods,
Driscoll,	Landis,	Selby,	Young.

So the House decided to consider.

The following pairs were announced:

For the session:

Mr. WRIGHT with Mr. HALL.

Mr. BOREING with Mr. TRIMBLE.

Mr. KAHN with Mr. BELMONT.

Mr. METCALF with Mr. WHEELER.

Mr. BULL with Mr. CROWLEY.

Mr. IRWIN with Mr. GOOCH.

Until further notice:

Mr. JOY with Mr. COCHRAN.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. HAUGEN with Mr. LEVER.

Mr. SKILES with Mr. TALBERT.

Mr. DRISCOLL with Mr. ROBINSON of Nebraska.

Mr. EMERSON with Mr. GILBERT.

Mr. SHERMAN with Mr. RUPPERT.

For two weeks:

Mr. WEEKS with Mr. SHEPPARD.

For ten days:

Mr. BURKETT with Mr. SHALLENBERGER.

Until the 28th:

Mr. EVANS with Mr. HENRY of Mississippi.

For the day:

Mr. NEEDHAM with Mr. BRUNDIDGE.

Mr. POWERS of Maine with Mr. FOX.

Mr. RUSSELL with Mr. ROBERTSON of Louisiana.

Mr. WM. ALDEN SMITH with Mr. JETT.

Mr. REEDER with Mr. SELBY.

Mr. PATTERSON of Pennsylvania with Mr. SCARBOROUGH.

Mr. MINOR with Mr. MC LAIN.

Mr. MCCLEARY with Mr. MCANDREWS.

Mr. LONG with Mr. LATIMER.

Mr. LANDIS with Mr. HENRY of Texas.

Mr. HULL with Mr. GLENN.

Mr. ESCH with Mr. ELLIOTT.

Mr. CORLISS with Mr. KERN.

Mr. SHELLEN with Mr. EDWARDS.

Mr. CONNELL with Mr. DAVIS of Florida.

Mr. FORDNEY with Mr. REID.

Mr. CANNON with Mr. CREAMER.

Mr. BARNEY with Mr. CONRY.

Mr. ACHESON with Mr. BROUSSARD.

Mr. STORM with Mr. BELLAMY.

Mr. WOODS with Mr. WHITE.

Mr. VREELAND with Mr. VANDIVER.

Mr. YOUNG with Mr. COONEY.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair will recognize the gentleman from Ohio [Mr. TAYLER].

Mr. TAYLER of Ohio. Mr. Speaker, I am just in the midst of a conference with the gentleman from Alabama [Mr. BOWIE] and his colleague respecting the time that the debate shall endure.

Mr. BOWIE. Mr. Speaker, I would make this suggestion, that the gentleman proceed and grant time to whoever is to open on

his side, and, pending that, we can confer as to the time. I wish to confer with some gentlemen on this side of the House.

Mr. TAYLER of Ohio. I was anxious to know at this time if there was to be no debate.

Mr. BOWIE. I would not agree to have no debate.

Mr. TAYLER of Ohio. Of course I do not desire to compel anybody to withhold debate. I yield, then, to my colleague [Mr. SMITH of Iowa], to speak in his own time.

Mr. SMITH of Iowa. Mr. Speaker, this contest was instituted by William N. Horton, who was a Republican candidate for Congress from the Twelfth district of Missouri in the election of 1900, as against James J. Butler, who was the Democratic nominee and who received his certificate of election. The Committee on Elections No. 1, having had this matter under consideration, have reported in favor of declaring the seat vacant. Before proceeding to a discussion of the facts in this particular case, I desire to call attention to those laws of the State of Missouri which are applicable to it. It is provided by the constitution of the State of Missouri that every ballot shall be so marked as that it can be determined after the election who cast that ballot. As a matter of fact, in Missouri the name of every voter is given a number at the time he casts his ballot and his ballot is given the same number, and so it becomes possible in the case of an election contest to determine, in the absence of mistakes upon the part of the election officers, the name of every person who cast a ballot in that election.

In the State of Missouri the city of St. Louis is usually Republican and the State usually Democratic; and to remove the patronage from the city government, or for other causes which are not material here, the legislature of Missouri passed a law creating a police commission in the city of St. Louis, appointed by the governor and having entire control of the police force of that city. This police force, by reason of the political character of the State of Missouri, is and has been ever since the passage of the law referred to a Democratic police force. The law of the State of Missouri provides now that the election commissioners of the city of St. Louis shall also be appointed by the governor.

The Filley law, passed in 1895, provided that two of the election commissioners should be appointed by the governor and one by the mayor, and explicitly provided that the one appointed by the mayor should be of the opposite political faith to that entertained by those appointed by the governor. As the mayor of St. Louis is usually a Republican, practically this law entrusted the appointment of the Democratic members of this commission to the Democratic governor and the appointment of the Republican member to a Republican mayor. But as at times the mayor of St. Louis is a Democrat, it was explicitly provided that he must appoint a commissioner of the leading political party other than that of the governor. This law also provided that the governor should designate the chairman of the election commission, and that the mayor's appointee should be the secretary of the commission.

But in 1899 the law was changed, so that all appointments are made by the governor, and the commission select the secretary from without the board, who is of the political party represented by the majority upon the board. So that while under the former law the Democrats got the chairman of the board and the Republicans the secretary of the board, under the new law the Democracy receives a majority of the board and the chairman and the secretary. Under the old law it was provided that this Republican representative should have the choice of all the judges and clerks representing the Republicans upon the various election boards in the city and county of St. Louis. Under the new law no such power is given to the Republican representative, but the power is intrusted first to the election commission itself, and in their absence to the secretary of the commission, who is clothed with all the powers of the full board when the board are absent or otherwise not in session.

While the new law requires that the Republicans shall be given equal representation upon these election boards, it does not give to the Republicans the choice of their representation upon these boards. A pretense in this case was made of carrying out the law; but in 5 wards of the 15, in this district where the committee have taken the pains to see how these alleged Republican judges and clerks voted, the record shows that 53 voted for the Republican candidate for Congress and 60 voted against the Republican candidate for Congress. An absolute majority of the so-called Republican judges and clerks, so far as they were canvassed by this committee, have voted against the Republican candidate for Congress, and that is the kind of representation that was given to the Republicans upon the election boards in the city of St. Louis. And if we bear this in mind we will be able the better to understand the methods by which the iniquity was carried out in the election of 1900.

Before the election of 1900 it was believed by the Republicans that large numbers of fictitious names had been registered. They

succeeded in getting a list of about fifteen hundred of these names. They sent out registered letters to those persons at the addresses given upon the register books. The post-office officials made special efforts to make delivery of those letters, but were unable to find any substantial number of the persons at the places indicated upon the registration books. Warrants were then sworn out for the arrest of these people, and deputy sheriffs were on election day sent to the polls to arrest such persons as might cast ballots under these names.

But this effort was futile, because on the Sunday night before election there met at the Southern Hotel, in the city of St. Louis, the attorney-general of the State, the chairman of the Democratic State central committee, the chairman of the Democratic city central committee, the Democratic members of the election commission, the Democratic assistant or deputy election commissioner, the Democratic police commissioners, and the chief of the police force of the city of St. Louis, Col. Ed. Butler, and this contestee, James J. Butler, and it was then and there resolved that instructions should be issued to the police force of the city not to allow any deputy sheriff within a hundred feet of the polls.

There is no law in Missouri prohibiting anyone from being within a hundred feet of the polls. There is a law prohibiting electioneering within a hundred feet of the polls. But this collection of gentlemen at the Southern Hotel first procured an order to be issued that these deputy sheriffs should not under any circumstances be allowed within a hundred feet of the polls. It needs but little reflection to see that an order like that would absolutely defeat every effort for the arrest of the guilty, for the names upon the register books were not the names of any human beings. They were mere fictions, put there that repeaters might vote in those names.

No warrants issued for the arrest of these people could be served save only by waiting until some individual gave that name at the ballot box and then laying hands upon him. But the order wisely and discreetly provided that no deputy sheriff should be allowed within 100 feet of the polls, so that he could not hear any name given and make any arrests. Subsequently, discovering that this order was a little too radical, an order was issued that a deputy sheriff might be permitted within a hundred feet of the polls for the purpose of making an arrest of some person who was there situated; but inasmuch as it was utterly impossible for the sheriff to know who was to cast this fraudulent vote unless he could stay close enough to the polls to hear his name given in, of course this accomplished the purpose just as well as the original order. The result was that fraud ran rampant in that district on election day.

Shortly after the election the Republicans, satisfied that the extraordinary change since the last election could but be the result of fraud, took a canvass of all that part of the Twelfth Congressional district where colonization would be apt to take place. At the previous Congressional election the district went Republican by 2,300 majority; at this election there was a majority of 3,500 for Mr. Butler, as shown by official returns, a change of 6,000 votes in favor of the Democracy, when all over that western country they were losing as compared with the vote in 1898 in Congressional matters.

The result was that the Republicans decided to make a house to house canvass in that part of the district where colonization was apt to take place. They did so, and they got a census for all that territory, and when you give to the Democracy of that district credit for every man who had been either upon the Federal census, taken in June of that year, or upon this private census, taken in December of that year, there are 9,180 fraudulent names registered in the Twelfth Congressional district in this election of November, 1900.

In the minority report it is strenuously insisted that this private census can not be considered, that it is hearsay testimony, and they make that and other objections to it. I want to say that I do not care whether this House considers the so-called McBurney canvass or not; the United States census was taken in June, 1900. The registration in the city of St. Louis commenced the same month; and if you take the census, and if you take the register, there were over 12,000 fraudulent votes cast in this district. The McBurney canvass, that our friends have made such a strenuous effort to get out of this case, has credited them with every man who moved into this district between June and December.

So much for the McBurney canvass. Yet it is entitled to weight. It had been taken by an officer of the census. It was taken just like the Federal census, and the parties did not know what they were taking it for. They thought they were taking it for world's fair industrial statistics, so that they had no object or incentive to take it other than fairly and properly. I think it was taken fairly. I think it throws some light upon this question. But if it does not throw any light upon this case, then the only result of that is to deprive our Democratic friends of the

credit of the names found in the McBurney canvass and not found upon the Federal census. Throw it out, therefore, if you want to, but the amount of fraud in this district is all the more apparent.

Our object was to credit them with every honest vote there was in this district, and for any man who had come in since the registry commenced, if they want to count him, and so we consider the McBurney canvass; but throw it out, if you please, and the record shows only more fraud in the Twelfth district of Missouri. Never has such infamy come under my observation in connection with an election as appears upon the record in the case. These people were not satisfied to prostitute a partisan election commission, to prostitute a partisan police force, but proceeded to prostitute the courts of the State of Missouri.

The court of appeals sitting in St. Louis is a Democratic court with three Democratic judges. It is a court of appeals and for the correction of errors. It has absolutely no jurisdiction or authority to grant naturalization papers. But it so happened that the judges of the circuit court and its clerk were Republican; the clerk required the Democrats to pay the statutory fees to be naturalized as he required Republicans to pay these fees.

This court of appeals of the city of St. Louis proceeded in defiance of all law, and without one vestige of authority, State or Federal, to sit for naturalization of aliens, because, forsooth, the Democratic clerk offered to the State committee to issue papers gratuitously. There is not an authority, so far as I know, in this country, and none has been called to my attention, which holds that a court of appeals can sit for the naturalization of aliens. On the contrary, it has been specifically held by the courts of South Carolina and of California that no such power exists.

The authority is conferred by law upon the courts of common-law jurisdiction. Courts of appeal do not have common-law jurisdiction within the meaning of that term as used in this statute. It has never been the practice in this country, so far as I know, to go to appellate tribunals for naturalization papers. This court was composed of three judges. They sat night after night in October, 1900, granting naturalization papers as high as five to six hundred a night. One of the judges of that court had too much decency and too much self-respect to sit during these proceedings. But two of these judges sat there and granted these papers. Every paper thus issued was void for want of jurisdiction in the court.

But I propose to call attention to the proceedings of that tribunal and show that fraud was everywhere. The laws of the United States provide that minors whose parents are naturalized during their minority are naturalized by the naturalization of the parents. The laws of the United States provide that persons who come here under 18 years of age may take out both sets of papers at the same time. Minors as a body, coming here under 16 years, are naturalized by the naturalization of their parents, the great body of them. Minors coming here over 18 years of age have no right to take out both papers at once. And so it is that those who take out both papers at once are substantially confined to those who come here between 16 and 18 years of age.

Now, what does the record show in this court in St. Louis? It shows that prior to October, 1900, only 218 persons in all have been naturalized in this court in its history; but in the month of October, 1900, 1,530 persons were naturalized. Of that number 842 were naturalized adults and 688 were naturalized as having come here minors under 18 years of age. In other words, nearly one-half of those naturalized in that court of appeals succeeded in getting second papers without producing first papers, upon the pretense that they came here under 18 years of age.

It has been my privilege through a course of ten years to have some observation of what percentage of naturalizations are of persons who are entitled to take out both papers at once as having come here under 18 and what percentage have to wait two years between their papers, and I assert that it is the common experience of everyone that not more than 5 to 10 per cent are entitled to take out both sets of papers at once. But down at St. Louis, of this body of Democrats naturalized in a court that had no jurisdiction, substantially one-half of all pretended that they came here under 18 years of age, when if they came here under 16 most of them would have been naturalized by the naturalization of their fathers. It so happens that the years between 16 and 18, of all the years of man between 1 and 70, seem to be the years during which migration takes place, and nearly one-half of all who came here came between 16 and 18 years of age. [Laughter.]

Has there ever been a record of a high judicial tribunal which bore upon its face more manifest evidence of fraud than this record to which I have referred? But these gentlemen collected \$20,000 from the police force of the city of St. Louis alone with which to carry this election. Having by the police-commission law taken the police force out of the jurisdiction of the city of St. Louis and placed it in the control of the men appointed by a

Democratic governor, they put the screws on them and made them contribute more than \$20,000 for the purpose of debauching this particular election.

But all these things would have been unavailing to overcome a Republican majority in this district. The police force went with the gangs of repeaters and kept off from them the deputy sheriffs and other people. The repeaters went about from polling precinct to polling precinct, about 60 of them in a body, and cast their ballots, voting in these fictitious names; and not satisfied with that, the same repeaters would simply go and change their hats and coats and come back and vote again in the same precinct, and this is abundantly established by direct evidence.

Now, I want to call attention to a certain precinct and some facts concerning it—the second precinct in the Twenty-third Ward. A clerk of the elections came out from the polling place and he was asked how many votes had been polled. He replied, 140 votes. I know it is claimed that this is hearsay. It is an official declaration, and I say it is part of the *res gestæ* and is not hearsay in the ordinary sense of that term. I say he came out and made that announcement.

Mr. BOWIE. Is the gentleman referring to the Breitschuh testimony?

Mr. SMITH of Iowa. It is shown by the Breitschuh testimony and an abundance of other testimony. At that time a cry went up, "Here come the Indians;" and it appears in the testimony that down in this virtuous city of St. Louis that term means repeaters. "Here come the Indians!" And this Williams gang went in and voted, and when they had concluded their voting there were 260 votes cast.

Mind you, I do not mean when they had voted once this was the result. These men went out and changed their coats and hats in the presence of respectable people in St. Louis and voted over again in the same precinct, giving new names.

Every time that this gang came to a polling place there was passed out to each of them, as shown by the evidence, a slip telling his name and where he lived. When this crowd had got through voting in this second precinct of the Twenty-third Ward, there were, I say, 260 votes where there had been 140 when they commenced. An examination of the ballots showed that not a single vote from 140 to 260 was cast for the Republican candidate. By some strange mystery 120 Democrats in succession voted in this precinct. But that is not the only remarkable incident here. Not a single one of these 120 names had any middle initial. A strange circumstance that, with probably nine-tenths or more of the American people in possession of two Christian names, not one of these 120 men who voted in succession had any middle initial. Of the voters in this precinct not shown by the McBurney canvass, 130 voted for Butler.

But there were other difficulties to be overcome in carrying out this enterprise than those I have indicated. There was the danger that deputy sheriffs would lay their hands upon these miscreants, and they were driven from the polls by the police force of St. Louis. But there was danger that Republican challengers would interfere with this pleasant procedure, and so, in precinct after precinct, they threw out the Republican challenger and left nobody there to represent the Republicans except these Republican judges and clerks, who, as the returns show, voted the Democratic ticket.

But still there was fear that this corrupt police force had not done enough in contributing \$20,000 to the fund to pay these repeaters and in driving from the polling places in that district the deputy sheriffs, men having equal authority with themselves, and driving away the challengers. Squads of them went down to the polling place just as "the Indians" were coming, and cleared the way to see that no one interfered with them.

Now, by these methods, by fraudulent naturalization, by void naturalization, by corrupt use of money, by fraudulent registration, by using repeaters, by every means known to man by which the ballot box may be debauched, they succeeded in carrying this election, as they claim, for James J. Butler.

But all these things were not, they feared, sufficient. They knew they had taken 60 men from place to place, voting them everywhere—voting them twice in a single precinct. But still they were afraid that they had not stolen enough, and so a canvass of the vote shows that these judges and clerks of integrity stole more than 400 votes in the count. On the report as made out by the minority, not by the majority, we think they stole more than that. It further appears that some of these judges and clerks deliberately turned out Republican ballots with the name of the Republican candidate for Congress erased before the ballots were delivered to the voter. It appears that one Republican judge wanted to challenge a voter, and while he was trying to prepare the challenge blank the Democratic judge took the man's ballot and put it in the box.

Thus by corruption, thus by fraud, thus by force, thus by violence they succeeded in subverting the will of the people in

the Twelfth district of Missouri. You ask me, Why did not the majority vote in favor of seating the Republican member, if this is all true? I will tell you why. We are not desirous of seating any Republican who is not entitled to his seat. We have shown by an abundance of testimony, sufficient to convince the most doubting, that at least 5,000 fraudulent votes were cast for James J. Butler; votes of men who had no existence, votes of men who registered from disreputable houses, 30 of them to a house, and 100 of them to a block in which there was not a respectable house. One hundred of them at a time registered from stables. Men registered from vacant lots, and men registered who, if they had located the number where it would have to be in order to correspond, it would have been in the middle of a public highway. More than 5,000 fraudulent votes were thus cast for James J. Butler.

More than 400 were stolen from Horton in the count, but it does appear that there were 2,000 votes cast for Horton that could not be found in the census or in the McBurney canvass. There is no evidence of repeating. There is no evidence of fraudulent voting. There is no evidence of anything affecting Horton's title, save only the fact that these voters can not be found—not as in Butler's case, proof of padded registration list; not as in Butler's case, proof of interference by the police; not as in Butler's case, partisan judges and partisan clerks allowing the same men to vote two or three times at a precinct. But there is enough doubt in the minds of the members of this committee as to whether Horton got those 2,000 votes fairly, so that we are unwilling to give him this seat.

There is no doubt that the election of Butler is a scandalous fraud. There is some doubt whether Horton was really elected or not; whether he did not get some fraudulent votes, too. I have thought something upon this subject, and I am convinced that the chances are that some of these repeaters that our friends were using down there, some of them Abyssinians, took the advice of "our peerless leader" and took Jim Butler's money and voted for Horton. I do not know whether that accounts for it or not. It may. There is not a particle of evidence tending to reflect upon Horton save only that he got these votes from people who are not found in the district.

Mr. BARTHOLDT. If the gentleman will permit, I would state that the general explanation in St. Louis is that these people simply made a mistake in scratching their ballots. Instead of scratching the Democratic ballot, they scratched Republican ballots, being illiterate men, unable to read.

Mr. SMITH of Iowa. I do not know what the explanation is. That may be it. It may be that accounts for it, but there is no evidence, I say, reflecting upon Horton, aside from this mere canvass.

Mr. BARTLETT. Mr. Speaker, if the gentleman will permit, I have listened with a great deal of interest to what the gentleman has stated. The committee, as I understand it, reports the seat to be vacant.

Mr. SMITH of Iowa. Yes.

Mr. BARTLETT. And the majority of the committee do that, as I understand, because of the fact and from the evidence they arrive at the conclusion that the election was fraudulent, and that on account of the election being fraudulent, the evidence not being sufficient to show for whom these fraudulent votes were cast, sufficient to declare either one or the other entitled to the seat. That is the theory upon which the majority proceed, is it not? That is, you first determine from the evidence which you have stated—

Mr. SMITH of Iowa. No; that is not the theory, if the gentleman asks me that question. Perhaps I had better state that there is no difficulty in telling just exactly who cast every one of those fraudulent votes.

Mr. BARTLETT. May I ask the gentleman this question? He has stated now something about the evidence with reference to certain fraudulent naturalization, some 1,500.

Mr. SMITH of Iowa. Not all of them fraudulent. Some of them fraudulent, but all of them illegal.

Mr. BARTLETT. Perhaps I should have said illegal—on account of want of jurisdiction.

Mr. SMITH of Iowa. And fraudulent as to the character of many of the applicants.

Mr. BARTLETT. Now, was there evidence before the committee, or did the committee run it down far enough to see how many of those fraudulent or illegal naturalized voters voted for Butler and how many for Horton?

Mr. SMITH of Iowa. No.

Mr. BARTLETT. That was not ascertained before the committee.

Mr. SMITH of Iowa. It is before the committee, but you may well imagine that with the enormous number of votes in this case to find just how every individual voted is a matter of some difficulty.

Mr. BARTLETT. I have undertaken to do it, and that

prompted the question, because I wanted to know this fact, if the committee has been able to find out who voted then the committee could sift the fraudulent votes from the legal votes.

Mr. SMITH of Iowa. They can do that. I simply say they did not do it with reference to naturalization in the court of appeals. The law of Missouri requires every voter's name shall be numbered, and that his ballot shall have the same number upon it. Now, there are over 9,100 names registered that are not either upon the Federal census, taken the same time the registration commenced, or in the McBurney canvas. Now, we can turn to the poll books and find the number of every one of those names and turn and find the ballot that was cast by the person who claimed to be the man and find out just who he voted for.

Mr. BARTLETT. The gentleman says that the committee did not do that.

Mr. SMITH of Iowa. I say they did do that, but did not do it with reference to the naturalization list. They did do it with reference to this list of 9,100 fraudulent names upon this registration list, and they found that some of them were scared away by these warrants that had been issued, and by the notices that had been sent out, and the list that had been published, showing who they were; but more than 7,000 of them voted at that election, and more than 5,000 voted for Butler and 2,000 voted for Horton.

Mr. BARTLETT. Then the committee has been able to find out who that number of fraudulent voters voted for.

Mr. SMITH of Iowa. Yes.

Mr. BUTLER. Deducting each from the man for whom they were cast, how does it leave the election?

Mr. SMITH of Iowa. If it was so deducted, and more than 400 votes erroneously counted were deducted, it would elect Horton.

Mr. BARTLETT. But the majority of the committee were so satisfied of the improprieties and frauds that were committed in the election that they determined that no man was legally elected, I understand.

Mr. SMITH of Iowa. We determined that we were uncertain as to whether these were fraudulent votes cast for Horton by procurement of himself or friends, or whether they were some of Butler's repeaters who either did not know how to vote or decided to vote for Horton anyhow, because they were Africans, after taking Butler's money. We were uncertain, I say, whether Horton was in any sense responsible for these 2,000 votes thus cast for him, and we were unwilling to ask this House, therefore, to seat him with apparently 2,000 fraudulent votes to his credit.

Mr. BARTLETT. Then, the committee were not able definitely to sift the fraudulent votes from the legal and valid votes, so as to authorize them to say that anybody was elected?

Mr. SMITH of Iowa. Yes; we were able to sift the fraudulent from the legal votes all right; but when Mr. Butler ran a repeater up to the polls to vote in the name of a man who did not exist, and that repeater, either through ignorance or because he was an African and wanted to vote the Republican ticket, took Butler's money and voted for Horton, we can not say whether Horton was fairly elected or not.

Mr. BARTLETT. Do you think he ought to stay bought?

Mr. SMITH of Iowa. Why, I presume that is what you think.

Mr. BARTLETT. No; I do not say that.

Mr. SMITH of Iowa. That is what your side seems to think.

Mr. RUCKER. Will the gentleman from Iowa yield?

Mr. SMITH of Iowa. Certainly.

Mr. RUCKER. I understood my colleague from Missouri [Mr. BARTHOLDT] a moment ago to aid the gentleman who now has the floor in explaining the 2,000 votes that were cast for Mr. Horton.

Mr. SMITH of Iowa. Yes.

Mr. RUCKER. As I understand, the gentleman who is now addressing the committee consented to that as a possible explanation of it.

Mr. SMITH of Iowa. That may be possible; yes.

Mr. RUCKER. Now, if I understood my colleague, he said that about St. Louis the general impression was that ignorant persons erroneously scratched the Democratic ticket when they intended to scratch the Republican ticket. Now, I should like to ask the gentleman in this connection how could that have been done in view of the fact that each political party had a ticket printed on a separate sheet of paper?

Mr. SMITH of Iowa. As I understand the Missouri law, each voter receives all of the tickets from the judges of election. Is not that true?

Mr. RUCKER. He may do so.

Mr. SMITH of Iowa. He does receive them ordinarily, does he not?

Mr. RUCKER. Yes, ordinarily.

Mr. SMITH of Iowa. And goes and picks out the one he wants to vote and hands it to the judge of election. I do not see any difficulty about it.

Mr. RUCKER. Now, the idea is that he mistakes the Republican ballot for a Democratic ballot.

Mr. SMITH of Iowa. That is the suggestion that Mr. BARTHOLDT made, and that, I said, might possibly be the explanation.

Mr. RUCKER. In other words, your idea is that these 2,000 men wanted to vote the Democratic ticket, but accidentally got the wrong ticket.

Mr. SMITH of Iowa. I told you I did not know how they came to vote that way.

Mr. RUCKER. That is the gentleman's explanation.

Mr. BARTHOLDT. If the gentleman will permit, those 2,000 votes are admitted to have been fraudulent votes, cast by people whom we do not know and whom we can not identify, and most of them—a good many of them—had been imported into the city of St. Louis from outside for the purposes of that election.

Mr. RUCKER. Can the gentleman tell us in that connection when they were imported?

Mr. BARTHOLDT. Oh, I can tell you that from my own experience and observation.

Mr. RUCKER. I thought possibly you might, if you desired.

Mr. BARTHOLDT. Weeks before the election the boarding houses along Market street and Chestnut street were filled with strangers who had never been seen before in the city of St. Louis. They were all used for the purposes of that election, and in explanation of what my colleague asks these tickets are handed out to each voter in bunches, as he is aware.

Mr. RUCKER. That is usually the case.

Mr. BARTHOLDT. And of course it is not very difficult to explain that a repeater, a man who can not read the caption of the Republican or Democratic ticket, might mistake the ticket and intend to vote the Democratic ticket, but actually vote the Republican ticket.

Mr. RUCKER. I would make this suggestion: I never heard of a Republican candidate making such a grievous error as to buy men who did not know enough to vote the right ticket after being bought.

Mr. SMITH of Iowa. Did not know how to vote the right ticket! Did not your candidate on the Democratic ticket advise men to take the money and then go and vote their own ticket?

Mr. RUCKER. I say that any man who says the last Democratic candidate for the Presidency advised men to sell their votes utters a foul slander, which I do not believe the gentleman from Iowa intends or is capable of doing.

Mr. SMITH of Iowa. He said, "Take their money and vote as you choose." I do not mean he ever advised men to sell their votes, because at the time he was advising them to vote for himself. Of course, he never advised them to sell their votes. He was trying to get them to vote for him.

Mr. RUCKER. I do not believe that he ever told them that.

Mr. SMITH of Iowa. You do not?

Mr. RUCKER. Did you ever hear him say it?

Mr. SMITH of Iowa. I never heard him say so.

Mr. RUCKER. I do not think any other man ever heard him.

Mr. SMITH of Iowa. It has been stated in the press time and again and never questioned.

Mr. RUCKER. I question it now.

Mr. SMITH of Iowa. It was never questioned.

Mr. RUCKER. He is too great a man to question every political falsehood that may be circulated through Republican papers.

Mr. SMITH of Iowa. I trust that he is too great a man to tolerate such a charge against him without denying it if false.

Mr. RUCKER. It would take a man a lifetime to answer all Republican slanders.

Mr. MANN. He is still their leader.

Mr. SMITH of Iowa. In some polling precincts, in order that this iniquity might be carried on with greater safety, they pasted newspapers all over the windows clear up to the ceiling, to prevent anyone from by any possibility discovering the fraud, from seeing it, and then carried it out according to their sweet will and pleasure.

Colonel Butler was the boss of the Democratic party of the city of St. Louis. He conducted this marvelous campaign by which there was a reversal of 6,000 in the vote in that district. I need not refer to the reputation of this distinguished Democratic leader. I say that no man can read his record without coming to the conclusion that this whole election was a travesty. So when gentlemen ask McBurney, "If Mr. Hennings roomed at the Jefferson Club, then your canvasser was not correct?" He said, "Of course it was not, if he lived there; but I did not find him." They never produced any evidence that he lived at the Jefferson Club. They proved their case by the question put to the witness and never by the answer. Witness after witness was brought up and testified that he lived in the house designated as the home of some of these fraudulent voters and swore that no such person ever lived in that place.

Witness after witness comes upon the stand and swears that

he lives next door to a certain place where voters registered from, and no such person lives there at all. That is one of the things repeated by this contestee. No witnesses are called by him to disprove any of these grave charges; not a syllable of evidence is furnished to this House tending to strengthen his case. Suspicious at least. We should have supposed that he would have regarded some of these circumstances. If these men existed, why did he not bring in just a few of them so that we could look at them. But witnesses living in the very house from which the registry was made swore no such person ever lived there, persons living in houses adjoining those from which persons were registered swore that these people never lived there. Not one syllable of evidence is brought by this contestee to refute that charge.

Mr. BARTLETT. I understand the gentleman to say that the evidence in this case is that when it was alleged that certain voters who were alleged to have voted for the contestee did not live at the place at which they were registered that no other person answering to the description either by name or otherwise was produced to say that he did vote for Mr. Butler?

Mr. SMITH of Iowa. No. A woman would come on the stand from a house where a man was registered and voted for Butler, and swear that no such man lived there at that time, and never lived there, and there was no evidence brought in to show that he had ever lived there.

Mr. BARTLETT. You never asked for the voter. Why did not they produce him if he really voted?

Mr. SMITH of Iowa. That was what we were trying to find out. We never could get them to produce them.

Mr. BARTLETT. Not one?

Mr. SMITH of Iowa. Not one.

Mr. BARTLETT. Not one?

Mr. SMITH of Iowa. Not one. [Laughter.] There were 9,000, and not one produced; 9,180, and not one produced.

Mr. MANN. I think there was one produced.

Mr. SMITH of Iowa. One produced. There was one produced. I beg the gentleman's pardon. There were 9,179 who were not produced. [Laughter.]

Mr. NEVILLE. Will the gentlemen permit an interruption?

Mr. SMITH of Iowa. Certainly.

Mr. NEVILLE. How much majority does the evidence show in favor of Butler?

Mr. SMITH of Iowa. Three thousand five hundred.

Mr. NEVILLE. And you say that there were 9,000 fraudulent votes cast?

Mr. SMITH of Iowa. No; I did not say so. I said there were 9,180 fraudulent registrations.

Mr. NEVILLE. And how many fraudulent votes?

Mr. SMITH of Iowa. A little over 7,000.

Mr. SHACKLEFORD. How does the gentleman account for the fact that the contestee only got 3,000 majority, if there were cast 9,000 fraudulent votes?

Mr. SMITH of Iowa. I have told the gentleman that there were only between 7,000 and 8,000 fraudulent votes, and the Republicans had 2,300 majority in the previous election, and these fraudulent votes were enough to overcome that majority and give Butler 3,500.

Mr. SHACKLEFORD. What became of the other 2,000?

Mr. SMITH of Iowa. I told the committee that 5,000 and odd of those votes were found by examination of the ballots to have been cast for Butler, and about 2,000 for Horton, making the 7,000.

Mr. SHACKLEFORD. They were split up, then?

Mr. SMITH of Iowa. I have explained the best I know how. Now, Mr. Speaker, I want to say in conclusion that we have been hearing a great deal lately about imperialism. I want to say that the enemies of republican liberty and of republican institutions are not those who seek to carry them across the waters to the people beyond our western sun. The people who are the enemies of republican institutions and republican liberty are those who procure fraudulent naturalization; those who procure fraudulent registration; those who procure fraudulent votes to be cast; those who by force and violence subvert the will of the people at the ballot box; those who debauch the whole election machinery until republican government at home becomes naught but a mockery. [Applause on the Republican side.]

Mr. WILLIAM W. KITCHIN. Before the gentleman takes his seat I want to ask him a question.

Mr. SMITH of Iowa. Very well.

Mr. WILLIAM W. KITCHIN. I want to ask the gentleman from Iowa if he will not modify his statement he made against the last Democratic candidate for President. I understood that it was said that he advised those men that were supposed to be intimidated into wearing the McKinley button to wear the button and vote the Democratic ticket, and I do not believe it was ever charged that he advised them to take money for voting one way and then vote the other. I ask the gentleman if he will not modify the statement by omitting the charge as he has alleged it?

Mr. SMITH of Iowa. My recollection is the other way.

Mr. WILLIAM W. KITCHIN. My recollection is that he only told them that if they insisted on wearing the buttons to wear them.

Mr. SMITH of Iowa. It was the farthest from my intention to slander Colonel Bryan.

Mr. WILLIAM W. KITCHIN. I think it only applied to those men who were employed by large corporations, which corporations required them to wear the McKinley button, and that there never was a charge made against him that he told them to take the money and then vote the other way.

Mr. SMITH of Iowa. I want to say that I have no desire to say anything unjustly reflecting upon Colonel Bryan. My recollection is as I stated. If I am mistaken, then I am ready to withdraw the remark.

Mr. WILLIAM W. KITCHIN. I ask the gentleman to withdraw it now, or put in his speech some publication from some newspaper making the charge.

Mr. SMITH of Iowa. I am not able, Mr. Speaker, at this time, after the lapse of years to produce any newspaper article making that charge.

Mr. CLAYTON. Well, then, upon that sort of a vague recollection is the gentleman willing to slander a good man?

Mr. SMITH of Iowa. If the gentleman chooses to call it a slander, I have nothing to reply. I have not said that I made the statement on any vague recollection. I believe it to be true, as I have stated. I have said that I could not produce the proof at this moment, and if I am mistaken I wish to withdraw it.

Mr. CLAYTON. You do not know it yourself? You can not get any witness to it?

Mr. VANDIVER. Can the gentleman give the name of any reputable newspaper that published such a charge?

Mr. SMITH of Iowa. I think they all made the charge.

Mr. VANDIVER. But you can not give the name of one?

Mr. SMITH of Iowa. I think they all made the charge.

Mr. CLAYTON. The charge, if ever made, is false and slanderous, and the gentleman from Iowa ought to know it to be so.

Mr. VANDIVER. The gentleman can not give the name of a single paper.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14019) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes.

ELECTION CONTEST—HORTON AGAINST BUTLER.

Mr. TAYLER of Ohio. Mr. Speaker, I would like to interrogate my colleague on the committee, the gentleman from Alabama, as to how much time he now desires.

Mr. BOWIE. I will state to the gentleman from Ohio that Mr. Butler told me this morning that he was very sick. I saw him in bed, and he looked like he was sick. I have a certificate from his physician to that effect. Mr. Butler told me he did not want to come here if it was possible to avoid it, but he said if the case was called and entered into consideration of it, notwithstanding the advice of his physician to the contrary, he was going to come here.

I have been looking for him to come here. That is the last word I had from him. I sent his secretary to him a half or three-quarters of an hour ago to find out whether he was coming. I have not yet heard. If Mr. Butler should come, he has a speech that he wants to read. He says that he is not strong enough to deliver it. That will take an hour. I can not possibly discuss this case in less than an hour or an hour and a half.

Mr. TAYLER of Ohio. Why not take two hours and a half on each side?

Mr. BOWIE. That would carry the question over until tomorrow?

Mr. TAYLER of Ohio. Yes, sir.

Mr. BOWIE. Well, I am perfectly willing to agree to that with the understanding that if Mr. Butler should come and should want more time than this arrangement contemplates, he may have it.

Mr. TAYLER of Ohio. Mr. Speaker, I ask unanimous consent that debate on this case continue for five hours altogether, the gentleman from Alabama [Mr. BOWIE] controlling one half of the time and I the other half, one hour having been consumed on our side—five hours in all.

Mr. BOWIE. But the arrangement should be subject to this provision, that if Mr. Butler should come here we may ask that the time be extended for another hour.

Mr. TAYLER of Ohio. Of course Mr. Butler's speech will be on the side of the contestee—

Mr. BOWIE. I understand that; but I want it understood that there shall be more time allowed on our side if he should come and want more.

Mr. TAYLER of Ohio. Of course if there is a situation that makes it necessary, we can act accordingly. But I think the gentlemen on the other side can cut their cloth to fit his needs.

The SPEAKER pro tempore (Mr. NEVIN). The gentleman from Ohio asks unanimous consent that debate on this case be closed in five hours, two hours and a half being allowed on each side, and the one hour already consumed being counted as part of the five hours.

Mr. SHACKLEFORD. I think we ought to have another hour. Missouri wants to be heard on this question.

Mr. TAYLER of Ohio. Well, make it six hours.

The SPEAKER pro tempore. The request is for six hours' debate, three hours on each side.

Mr. TAYLER of Ohio. And at the end of that time that the previous question shall be considered as ordered upon the resolution and substitute.

The SPEAKER pro tempore. The gentleman asks that at the expiration of six hours the previous question be ordered on the resolution. In the absence of objection this order will be made. The Chair hears no objection.

Mr. BOWIE. Mr. Speaker, it has been stated by the gentleman [Mr. SMITH of Iowa] who has just closed his remarks that the evidence in this case shows that more than 9,000 persons were illegally registered in the Twelfth Congressional district in the city of St. Louis at the last election. Now, before categorically denying the statement that the legal evidence in this case shows any such fact as that, I wish to correct the gentleman and say that the McBurney canvass, to which he alludes, and which, as I insist, constitutes the whole basis and fabric of this case, shows not 9,000 fraudulent registrations, but, if that canvass be true, it shows a fraudulent registration in six of the wards of 14,088, in precincts covering barely more than one-half of the district. And it was stated during the oral argument before the committee that the only reason that that canvass did not extend through the whole district was that they did not have sufficient time in which to make the canvass, and that the information which they had was that the false registration in the remaining precincts of the district was just as great proportionately as it was in the portion they did examine. So that if the statement be true there is, according to the theory on which the majority base their case, upon which the contestant bases his case, more than 24,000 fraudulent registrations in one Congressional district in the city of St. Louis; not 9,000, not 14,700, but over 24,000.

Now, Mr. Speaker, I assert without the fear of successful contradiction that if this were a case to be tried before the Supreme Court or in a circuit court, as against which an appeal to the Supreme Court would lie, that instead of 24,000 fraudulent registrations being shown by this evidence to exist in this one district the legal and competent evidence in this record would not show 200. I expect to demonstrate that to any fair-minded man who will do me the honor to listen to the analysis of the case that has been presented in behalf of the contestant.

In the first place I assert the proposition that when they say that in less than two-thirds of the election precincts in one Congressional district there were 14,088 fraudulent registrations they assert a proposition which challenges the credulity of any human being. It is a thing which on its face we know is not true, and it never happened in the Twelfth Congressional district of Missouri at the last election. It never happened anywhere on earth—that is, in the United States, at least; never in any Congressional district—that more than 50 per cent of the total registration is fraudulent.

Mr. Speaker, I want to call the attention of this House for a few moments to what the accusation of 14,088 fraudulent names means. These figures are obtained from page 67 of the brief of contestant's counsel in this case. I quote the table, as follows:

Ward.	Registered.	Not found.		
		McBurney.	Census.	In either.
4.....	3,673	2,092	2,313	1,598
5.....	4,771	3,111	3,139	2,443
6.....	5,114	1,618	1,885	956
14.....	4,944	2,469	2,906	2,042
15.....	4,052	1,603	1,881	1,060
23.....	4,913	1,518	1,964	1,110
Total.....	27,467	12,411	14,088	9,209

Now let us analyze the meaning of these figures. If out of 27,467 names registered 14,088 are fraudulent, we find the legiti-

mate registration only 48.7 per cent of the total. Now, the complete registration in the district was 47,752. Take 48.7 per cent of this total registration and we find the legitimate registration to be only 23,255 in the whole district. Now, the population of the district in June, 1900, was 179,767, and the ratio of legitimate registration to population according to this contention is only 12 per cent. The mere statement of this proposition ought to be enough to show its absurdity, but I offer other testimony which, in my judgment, clinches it beyond all peradventure.

We have the census of the United States, which shows, first, the population of that district in the month of June, 1900, all told; second, the male population over 21 years of age in that Congressional district. We have the same with reference to every Congressional district in the United States. Now, if there were either 14,000 or 24,000 fraudulent names upon the registration list, it would swell the total proportion of registration in this Congressional district higher than in any other in the Union, for no Representative on this floor will admit that in his district any such condition of affairs exists. It will be the highest percentage of any in the United States.

If there were 14,000 fraudulent names, the result of it would be that there would be more names registered than the census of the United States showed were there, because we know, as a matter of fact, that in a closely contested election in a great city like St. Louis they always register from 80 to 90 per cent of the possible vote, and oftentimes more, and if you add to the legitimate registration, which, running between 80 and 90 per cent and in some cases a little over in less than two-thirds of the election precincts of the district, 14,088 names, we will have the case that in this Congressional district there were registered largely more names than the census showed lived there. Well, now, what does the census show with reference to that proposition? In the first place, as already shown, the population of the Twelfth Congressional district is 179,767. The total registration in that district is 47,752; the percentage which that registration bears to the total population is barely 0.26.

I am speaking of the registration, mind you, and not the vote. Unfortunately there are some wards that are fractional wards in this Congressional district, as there are in the other two Congressional districts in the city of St. Louis, but we have eight wards that are complete—eight full wards in this district. The population of males over 21 years of age, as shown by the official returns of the census, is limited to the full wards, and hence the percentage can not be carried into the fractional wards, but the fractional wards offset each other throughout the city. Now, in the eight full wards of the Twelfth Congressional district there were male inhabitants over 21 years of age, according to the census of the United States, a total of 48,704. There were only 38,439 of these who registered, making more than 10,000 less registered voters in eight wards of this district than the census showed lived there three months before the election; 10,000 less. There were only 33,397 who actually voted.

Now, what else do we find? We find that the proportion of registered males over 21 years of age to the total in these wards of this district is 78.9 per cent. The proportion of vote to population in this district—they claim over 7,000 fraudulent votes—is only 68.5 per cent, showing that 31.5 per cent of the total male population over 21 years of age in that district never voted. Twenty-one per cent never registered. What does further comparison show? It is not claimed that in the Tenth Congressional district of St. Louis there is any evidence to show there was any fraud in the registration. Upon the contrary the assertion was made in the oral argument before the committee by the counsel for the contestant that they had tested some wards and precincts in the Tenth and the Eleventh districts, now represented by Republicans on this floor, with their celebrated McBurney canvass, and it run about even, about natural, what it ought to be.

Now, let us apply that test. In the district represented by the gentleman who is now looking at me [Mr. BARTHOLOMEW] the total registration of males over 21 years of age was 78 per cent—within a fraction of 1 per cent of the same as the registration in Mr. Butler's district. In Mr. Joy's district, the Eleventh, it was 78.5 per cent, or within four-tenths of 1 per cent of the same, going by full wards, you understand, because I have not got the registration by fractional wards as bearing on males over 21 years of age. Now, when we come to the vote, when you take the case of the Tenth district, we find that the vote was 72.5 per cent of the total male population over 21 years of age. In Mr. Joy's district it was 73.5 per cent, and in Mr. Butler's district it was 68.5 per cent; right there, three districts, side by side, in the same city, two of them represented by Republicans and elected under this same law as Mr. Butler was elected under, and their registration is within a fraction of 1 per cent of the same, and their vote is in one case 4 per cent more and in the other 5, and yet they tell us that there were 14,000 fraudulent registrations and 7,500 fraudulent votes in the Democratic district.

Mr. BARTHOLDT. Will the gentleman pardon me? I have figures here to show—

Mr. BOWIE. So have I.

Mr. BARTHOLDT. That the total increase in the Republican and Democratic vote in the Butler district was something over 12,000 votes, while in the adjoining district, the district which I have the honor to represent—

Mr. BOWIE. Does the gentleman say that the total increase in the votes was 12,000?

Mr. BARTHOLDT. The increase in the total vote was 12,000.

Mr. BOWIE. At what election?

Mr. BARTHOLDT. The increase of the Democratic and Republican vote.

Mr. BOWIE. At what election?

Mr. BARTHOLDT. Nineteen hundred.

Mr. BOWIE. Over what election?

Mr. BARTHOLDT. Over the preceding election.

Mr. BOWIE. Oh!

Mr. BARTHOLDT. While in the adjoining district, which I have the honor to represent, a district which has a much larger population, the increase is but 9,000, and in Mr. Joy's district the increase is but 7,500. And the increase in the party vote makes it still more apparent. The party vote has increased evenly in my district, and so it has in Mr. Joy's district, while in Mr. Butler's district a Republican majority of 2,500 was wiped out and a Democratic majority of 3,500 substituted.

Mr. BOWIE. "I thank thee, Rhoderick, for that word." In the Twelfth Congressional district of the city of St. Louis, in 1896, when the election was held under the celebrated and much-lauded Filley law, the vote was only 2,000 less than it was in 1900 under the much-denounced Nesbit law. Those were Presidential years, and it is fair to compare them. And when you run the comparison down further, you will find that, making allowance for the increase of population between 1896 and 1900 at the same ratio as the population increased between 1890 and 1896—in other words, proportioning the increase of population fairly between the two periods—the vote and the registration under the Filley law in 1896 in this district was higher than it was in 1900 under the Nesbit law.

Mr. BARTHOLDT. Has the gentleman taken into consideration the fact that this district is a business district, situated in the heart of the city, and that a migration has taken place from these business wards out into the outskirts on account of the rapid-transit facilities which have been inaugurated in the city, so that the increase in the district represented by Mr. Butler is naturally not as large as it would be in other districts?

Mr. BOWIE. Well, I do not know anything about that, but I say that the record shows that the vote in 1896, under the Filley law, was a greater per cent to the total population than it was in 1900, under the Nesbit law.

Now, I want to call the attention of the members of this House to some further figures which I have on that subject. The gentleman who has just taken his seat [Mr. SMITH of Iowa] claims that there are over 9,000 names not found either by the census or the McBurney canvass, 14,000 not found by McBurney, and over 12,000 not found by the census, 9,000 not found by either. Now, bear in mind the fact that Mr. Butler's total vote in proportion to the male population was 68.5 per cent, and that his total registration to male population was 78.9. Now, let me apply those same figures to the Congressional district of the gentleman who has just argued this case on behalf of the majority. I have the official figures of the Ninth Iowa district. That district had a population in June, 1900, of 202,253, and of males over 21, 56,135, with a total vote of 47,858. I have not the registration, but the total vote. The percentage of votes to population is 23.6, or more than it was in Butler's district. The percentage of votes to males over 21 years of age was 85.2, against 68.5 in Butler's district. And yet there is nobody charges that there were either 7,000 or 9,000 or 14,000 or 12,000 fraudulent votes in his district. And it shows a larger per cent of votes to population and a much larger per cent of votes to male population over 21 years of age.

And I want to carry the comparison a little further. I want to take the case of the Eighteenth Ohio district, represented by the distinguished chairman of this committee [Mr. TAYLER of Ohio]. The percentage of that vote to population was 24.6, or 1.6 per cent more than it was in this district, and the percentage of votes of males over 21 was 82.4, or about 4 per cent more than the registration in Butler's district.

Take another one, the Tenth Indiana district, represented by the gentleman from Indiana [Mr. CRUMPACKER]. The percentage of votes to population is 26.2, or more than 3 per cent greater. The per cent of votes to males over 21 is 88.3, against 68.5 of vote, or 78.9 of registration in Butler's.

In every case that I have cited the per cent of votes to males over 21 years of age is greater than the per cent of registration to males over 21 years of age in Butler's district.

I could carry it further. I could take the district represented by

General GROSVENOR, of Ohio, where the percentage of votes was 89.2 of males over 21 years of age and the percentage of votes to population was 24.1. I could take a number of others which I have here, which I will not take the time to refer to, but I dare assert this proposition. That in a hotly contested election, in what we call the close States of this country, that in more than two-thirds of them, in over half of the districts represented by Republicans in this House, the percentage of votes was greater than it was in Butler's, and the percentage of votes in many of them was greater than the percentage of the registration in Butler's.

Now, I have shown that, with these facts staring us in the face, I assert that it was a physical impossibility for this thing to be true. Here was a Republican district, they say. It has gone Republican three times in twenty years. Here is a district which has gone Republican three times in twenty years, the last two prior to this being Republican. Here was a closely contested election, in a city where everybody lives within a few hundred yards of the polling place, and only 68 per cent of the total possible vote was cast, and only 78 per cent of the total possible registration was made. I say that it staggers anybody's credulity to say that there were 14,000 fraudulent registrations under those circumstances, or even 9,000.

Now, what else do we find? The idea of 14,000 fraudulent registrations is based upon a political canvass made by paid employees of the attorneys of the contestant. They took about six or seven days to make it. The canvassers were paid the munificent sum of 2 cents a name. It was made six months after the census was taken. It was made in the month of December, when the town was full of people as compared with what it would be in June. There were more people, as everybody knows, in the city of St. Louis in December, 1900, than there were in June, 1900; and yet what does this canvass show in the eight wards of the city of St. Louis? It shows in the eight wards of the city of St. Louis that Mr. McBurney found 9,000 less people than were found by the census in June. I will read it by wards.

McBurney found in the Third Ward 5,612 males over 21 years of age. The census, six months before, found 6,522.

In the Fourth Ward McBurney found 3,553; the census found 5,517.

In the Fifth Ward McBurney found 4,032; the census found 5,833.

In the Sixth Ward McBurney found 5,285; the census found 6,260.

In the Fourteenth Ward McBurney found 4,291; the census found 5,351.

In the Fifteenth Ward McBurney found 4,465; the census found 5,979.

In the Twenty-second Ward McBurney found 5,491; the census found 5,963.

In the Twenty-third Ward McBurney found 5,209; the census found 5,454.

Total in eight wards found by McBurney, 37,938; by the census, 46,940; or 9,002 more male inhabitants over 21 years of age found by the census in June than by McBurney's canvassers in the same territory in December of the same year.

Now, Mr. Speaker—

Mr. WILLIAM W. KITCHIN. Will the gentleman allow me to ask him a question right there?

Mr. BOWIE. Certainly.

Mr. WILLIAM W. KITCHIN. Is the correctness of McBurney's canvass essential to the success of the contestant?

Mr. BOWIE. Assuredly.

Mr. MANN. Oh, well—will the gentleman yield?

Mr. BOWIE. Certainly.

Mr. MANN. The contestant or the report would be sustained either upon the McBurney canvass or the census canvass. Is that not so?

Mr. BOWIE. No, sir.

Mr. MANN. Would it not be sustained upon the census canvass?

Mr. BOWIE. No, sir.

Mr. MANN. Does the gentleman claim that the census canvass does not show that there are at least 9,000 registered voters not found by the census officials?

Mr. BOWIE. Why, certainly, on the compilation as they state it to us it shows that there were 12,000.

Mr. MANN. Is it not a fact that there were at least 9,000 voters who were registered who were not found on the census canvass in this district?

Mr. BOWIE. Speaking truthfully, no; speaking literally, according to the compilation as made, yes; and I will explain myself. The census shows that in eight full wards, which I read a while ago and which I have in my hand, there were 10,000 more people over 21 years of age there in June, 1900, than were registered in November, 1900. In other words, the register was 10,000 short in eight wards; and the fact is, as I expect to demonstrate,

that there were a great many people—and the evidence shows it in this record—who moved between the time when the census was taken and the time registration was closed; there were people who not only moved, but people who died; not only people who died, but mistakes were made in the census and in the registration; so that, truthfully speaking, the statement the gentleman makes is not a fact.

Mr. MANN. Well, that is an argument. I did not want the gentleman to be misled. Is it not a fact that there were 9,000 names of persons on the registration list whose addresses were not found by the census officials under those names?

Mr. BOWIE. At those addresses. That is what is said by the compilers. I do not dispute it, nor do I know anything about it.

Mr. MANN. I understood the gentleman did not dispute it; we all know it to be a fact, but I thought his answer to the gentleman from North Carolina was misleading in that respect.

Mr. WILLIAM W. KITCHIN. Let me ask the gentleman from Illinois does he depend on the correctness of the McBurney report?

Mr. MANN. So far as I am concerned, I do not depend on the correctness of the McBurney report.

Mr. TAYLER of Ohio. If I may answer that—and I think the gentleman from North Carolina wants information—I am sure the gentleman from Alabama does not intend to give anything but his view of the case. We do not depend, in any serious sense, upon the McBurney canvass. It is a mere incident in this inquiry. Our conclusion—and I speak for five of my colleagues—would be as certainly what it is now if the McBurney canvass had never been taken.

Mr. WILLIAM W. KITCHIN. Does the gentleman contend that the McBurney canvass is correct?

Mr. TAYLER of Ohio. I think it is practically correct—as correct as any well-taken directory would be; but I think there are objections that are applicable to the McBurney canvass technically considered.

Mr. WILLIAM W. KITCHIN. I understand the gentleman from Alabama has shown conclusively that the McBurney canvass can not be correct if any reliance can be placed on the census.

Mr. TAYLER of Ohio. Oh, I think the McBurney canvass is practically correct; I think it is the most accurate thing of its kind.

Mr. WILLIAM W. KITCHIN. But it shows a discrepancy of several thousand between that and the census.

Mr. TAYLER of Ohio. But that is as easily demonstrated on the other side as my friend demonstrates it on his side. It is one of those interesting logical processes.

Mr. BOWIE. Now, Mr. Speaker, I assert that there is no basis for this case unless the McBurney canvass is relied upon, the gentleman's disclaimer to the contrary notwithstanding. Unless that canvass is actually accepted as speaking the truth in this case there is not a single peg for this case to stand upon.

The gentleman from Illinois suggested that the same thing would be shown by the census. It is asserted by the compilers of the figures—and none of us have verified them; we have all accepted the compilers' statement; no member of the committee undertook to verify them—it is asserted by the compilers that there were 12,000 names found in the registration that were not found by the census under those names at the same addresses. I submit that it is not competent evidence; that it does not prove anything; that it does not justify any judgment, because the same proof shows that a census enumerator found 10,000 more men in June than were registered in November in the eight wards.

Mr. MANN. Do I understand the gentleman's position to be that if a man registers and he did not live at the place that he registered from, that that is offset by a man's registering at some other place?

Mr. BOWIE. No; but in connection with the argument I have made, that there was a smaller registration here than there was in over one-half of the Congressional districts of the United States; that there was a smaller vote here than in over half of the Congressional districts in the United States; in the face of the fact that we know that between the months of June and November men move away and men die, and in the face of the fact that we know that mistakes are bound to be made both in the census and in the registration and in the compilation; in the face of all these facts it can not be seriously contended that a partisan compilation from United States census is competent evidence for any purpose, any more than the McBurney canvass. We can refer to it for the purpose of showing how many males were found there; but to show that A lived in a certain house in June, 1900, does not show that he is an incompetent voter merely because A registered from another house in October or November. The vice of the proposition is that the period of taking the census is not contemporaneous with that of the registration, and the evidence we have of the census is not the original copy, but is secondary evidence of the most vicious type.

Now, who is to say how many men moved in the city of St. Louis in these three months? Who is to say how many men died? Who is to say how many mistakes were made by the compilers? Who is to say how many mistakes were made by the enumerators? Who is to say how many mistakes were made by the registrars? There is not a single thing in the alleged discrepancy between the census and the registration inconsistent with perfect honesty and fairness. Now, the gentleman says that they do not rely upon the McBurney canvass, and yet they make the McBurney canvass the basis of their report, declaring that Horton is not entitled to a seat on this floor. It runs through all the argument of counsel from beginning to end, and runs through the majority report in this case in more than a dozen instances.

Now, what is the McBurney canvass? I want to read you what Mr. McBurney said his canvass was. I read from the testimony as printed on page 269 of the record:

Q. What, if any, information had you concerning the population in various districts and parts of the city by which you could judge whether the returns of these men were accurate or not?

A. I did not have any. I had them, but I did not compare them.

Again, I read from page 270. Mr. McBurney was asked this question:

Q. Now, you say the canvassers returned to you certain houses as vacant. What did you do in such a case in order to test the original report of the canvassers?

A. Well, the original report of the canvassers was taken and jotted on the registration list opposite the registration.

Q. In such cases did you send out a second time in order to get information about those houses that were reported vacant, if, in fact, it appeared from the registration list that any persons were registered from those houses?

A. No, sir.

Now I want to read from the testimony of Mr. Moone, as printed on page 331 of the record:

I obtained—went to the door and obtained all the information necessary under the instructions, calling for the names of every male living in the house at that date of the age of 21 or over. I always got the information through the parties, the head of the family, or whoever came to the door.

On page 335 he was asked:

Q. Did you receive any information or instruction when you went out these first six days, or at any other time, to make inquiries as to whether the men whose names you would find at certain numbers were registered from there or lived there on election day and prior thereto?

A. No, sir; nothing was said about election day.

Q. As I understand it, your sole instruction and the sole inquiries you made was, did they live there at that time?

A. At that time.

Q. Namely, the day you visited the house?

A. Yes, sir.

Q. And you commenced about the 20th of December?

A. I think that was the day; yes, sir.

Q. And ended it some time this last week?

A. Well, in the first six days it really ended.

Q. After it really ended you went back?

A. Well, I was hired to do some work over again.

Q. After you had done the work in Judge Fisse's office—McBurney's office?

A. Yes, sir; McBurney's office.

Q. And this was not connected with the World's Fair statistics, but was an election contest? You understood that, did you not—that your work was to ascertain whether men were correctly registered at those numbers?

A. I did after that; yes, sir.

Q. Now, after you understood that, you would go to these houses—such as Mr. Shapleigh's house—and would you make an inquiry as to whether or not he lived there on election day and prior thereto?

A. No, sir.

Q. Knowing it was about an election contest and for the purpose of ascertaining votes fraudulently registered, this canvass of yours being made long after the election, why didn't you make those inquiries?

A. I was not told to.

Q. Yes; but why didn't you anyway?

A. Well, I wasn't instructed to.

Q. Well, where you find a man died about the 1st of January, as is your recollection in the case of Mr. Shapleigh, and you were making that canvass for the purpose of ascertaining whether or not he was correctly registered there on election day, why didn't you make further inquiry?

A. I wasn't instructed to do it, and I didn't do it.

Q. You didn't do it?

A. No, sir.

Q. Now, that is true all over the district canvassed, isn't it?

A. Yes, sir.

Q. And where you found Mr. Shapleigh dead, and was satisfied from the vicinity that he had lived there a long while, you reported his name as not found?

A. I didn't put it down at all. I just put down the coachman's name.

That testimony shows how this alleged canvass was taken. These canvassers went there the last week in December. They went to the doors of houses and asked anybody who came to the door who there was over 21 years of age living there at that time. They got some of the names down and some they did not. They put down whatever name was given them by anybody who came to the door. This canvass was the last week in December, a few of the canvassers extending their work into the first few days of January.

That is the McBurney canvass. Did those canvassing officers themselves come here and go upon the witness stand and swear that they made this canvass fairly? There were 57 of them. One man did go on the witness stand and testified just what I have

read to you from his testimony as to what he did. The other 56 did not testify at all. There was no opportunity to put the testimony of a single one of the McBurney canvassers to the test of cross-examination except in the case of Mr. Moore; and his testimony shows that it is utterly unworthy of credit, because he said he asked just anybody who came to the door to answer his questions. No other one of the canvassers was put upon the stand. These others make ex parte affidavits; they talked the matter over with an employee of the contestant; and he makes a compilation. Now, let us see what is the value of that compilation.

Mr. VANDIVER. Allow me to ask the gentleman whether those men who took that count were sworn as to the results, and were they cross-examined?

Mr. BOWIE. No; they were not examined judicially. They made an ex parte affidavit on a printed blank after they came back with such information as they had.

Mr. MANN. Does not the gentleman think that if they had been put on the stand and cross-examined the cross-examination would be continuing now?

Mr. BOWIE. No, sir; I do not.

Mr. MANN. Does not the gentleman think they would have had to examine about every man whose name was on the list?

Mr. BOWIE. No, sir. The gentleman from Illinois might have tried his case that way; but the gentlemen who represent the contestee did not. Take this record of over 2,000 printed pages, and I will show to any man who will take the trouble to investigate it that there was four times as much time spent on the direct examination as on the cross-examination.

There is not a single thing to indicate anywhere that any attempt was made to unduly prolong the examination, not one. They took up four times the time in the direct examination as was taken up in the cross-examination, and, what is more than that, if they had undertaken to do a thing of that sort this committee and this House would have the right, and it would have exercised it, of granting time to complete it. Such a thing never would have happened.

Mr. MANN. Is it not true that the gentleman himself, in one of these cases we had, insisted upon not considering evidence because it was not put in at the time?

Mr. BOWIE. Who; I?

Mr. MANN. The gentleman from Alabama.

Mr. BOWIE. What case?

Mr. MANN. In the Burnett case.

Mr. BOWIE. The committee unanimously found BURNETT was elected.

Mr. MANN. Yes, and disregarded evidence that was taken after time, in which opinion the gentleman from Alabama very cheerfully joined.

Mr. BOWIE. Yes, because that man was right there in reach of the attorneys for the contestant for the forty days during the first examination and for the last ten days in the rebuttal, and was not examined until three months after the time had run and they got him in the office of the lawyers in the city of Birmingham and got him to sign an affidavit as to what his testimony would be, after he was fixed, and that man's testimony shows that he is utterly unworthy of belief by any human being. [Applause on the Democratic side.] It ought to have been excluded, but so far as I am concerned I have to say that the question of the exclusion of that testimony was never discussed before the committee except by the lawyers in the case. The majority of the committee came in and announced that they thought that Burnett was entitled to his seat, and we thought so, too. That is all that happened at the meeting of the committee.

Now, what has this House itself said with reference to such testimony as this McBurney canvass? Here is a case that was decided more than forty years ago. I desire to call the attention of the House to the contested-election case of Whyte v. Harris, from the State of Maryland, in 1858, forty-four years ago, in which a similar canvass was attempted to be introduced in evidence, and the response which the committee made to that attempt and the judgment of the House upon the report of the committee:

Hearsay evidence is uniformly incompetent to establish any specific fact which in its nature is susceptible of being proved by witnesses who speak from their own knowledge. That it supposes something better that might be adduced in the particular cases is not the only ground of its exclusion. Its intrinsic weakness, its incompetency to satisfy the mind as to the existence of the fact, and the frauds which may be practiced under its cover, all combine to support the rule that hearsay evidence is wholly inadmissible.

[The exceptions to the rule are well known, such as cases of pedigree, inscriptions on tombstones, etc.] Chief Justice Marshall, in the case of *Minor v. Hepburn* (7 Cranch, 230) emphasizes this doctrine in saying that "all questions upon the rule of evidence are of vast importance to all orders and degrees of men; our lives, our liberty, our property are all concerned in the support of these rules, which have been matured by the wisdom of ages. One of them is that hearsay evidence is totally inadmissible." This rule was also strictly applied in an election case in the English Parliament, cited in *Rogers' Law and Practice of Elections*, page 172, where "it was proposed that a witness should be sent for to prove a conversation with one Delande, upon the ground that he (Delande) could not be found to be served with the speaker's writ, but, on argument, it was refused."

Continuing further, it is said:

We regard the contestant's proof on both these points as wholly vicious and inadmissible. Lists are filed by him of names of persons in the different wards who, it is claimed, did not vote because they were "intimidated." These lists are obtained, as the evidence shows, by sending men into the various wards, who, dividing them into different districts, make out separate lists of such persons as they are assumed to have seen or heard from, stating that the persons whose names they thus returned were "intimidated." They do not state, except in comparatively isolated cases, that they knew the persons to be qualified voters, or what was the ground or reason of what they called their intimidation. In a vast number of cases they do not know, personally, those they see; many they do not even see, personally, but get the information they report from their wives, their children, their neighbors, or their landlords, and then, to add to the absurd insufficiency of such proof, in the case of a number of these lists, they are put in evidence by the person who makes up the general list filed from these separate lists thus handed in to him, and the separate lists, in many cases, are not proved by those who collected the information in them, and many of these persons are not even put upon the stand.

A greatly stronger case than the one now being considered, because the alleged census was at least directed to the facts as they were supposed to exist at the time of the election, whereas in the present one the test of a man's legitimacy as a voter is not whether he resided in the precinct at the time of his registration, but whether he continued to reside there for several months later.

Now, Mr. Speaker, the House decided that the minority of the committee which made that report was correct and refused to unseat the contestee upon such evidence as that. Moreover, I have here in my hand Mr. Rowell's Digest of Contested Election Cases, from which I will not read, but which shows that since the organization of this Congress there has not been a single case in which evidence of this sort was not spurned by the House of Representatives. In every case where hearsay evidence was sought to be introduced the majority and the minority of the committees have declared that it was illegal and refused to accept it. I have plenty of authority here from the highest courts of the land to the same effect in contested election cases. This is the only case in the history of this Congress in which evidence of this character has been admitted and upon which it has been sought to deprive a man of a seat upon the floor of the House.

In this McBurney canvass, take the case of Mr. Shapleigh, president of the Shapleigh Hardware Company, a concern doing business all over the United States, who died two months after the election was over. Yet in the McBurney canvass he goes down as a fraudulent voter.

Take the case of Mr. Thomas C. Henning, one of the most prominent lawyers in the city of St. Louis, who lives at the Jefferson Club. The canvasser went there and asked of "whoever came to the door" the names of those over 21 years of age who lived there, and the man gave him the name of T. Henning, or possibly T. C. Henning, or possibly Thomas; but at any rate the canvasser put him down as T. Henning, and on that they put this man down as a fraudulent voter, because it did not happen to be T. C. Henning.

Take the case of Eugene Johnson. He is registered as Eugene Johnson. The canvasser puts him down as E. Johnson, and yet he goes into this record as a fraudulent voter.

Take the case of the man who testified as a witness for the contestant and who was not found by the McBurney canvasser, Mr. Sam W. Dicks. Here is his evidence in the record, and yet he was not found and was put down as a fraudulent voter.

Now, it was asserted by the gentleman from Iowa a few minutes ago that this McBurney canvass is entitled to the same credit and is as carefully prepared as the city directory, and the majority of the committee in their report undertake to give us the result of an examination into what the city directory of St. Louis shows with reference to certain persons to whom registered letters were sent.

I wish to call the attention of this House to the fact that the canvass for the city directory of St. Louis for 1901 was made concurrently with the McBurney canvass and about the same time these witnesses were testifying; yet that city directory shows that 309 of the witnesses who testified for the contestant in this case do not live at the places where they said they lived. They offer the St. Louis city directory in evidence. They examined 929 witnesses, and the St. Louis city directory shows that 309 of those witnesses did not live at the places given by them in their sworn testimony in this record.

The McBurney canvass is entitled to the same credit as the St. Louis City Directory, they say, and they ought to add that it is entitled to no more credit! Three hundred and nine witnesses swore in this record that they lived at certain places, and the St. Louis directory, taken at the same time, says that they did not. It is upon such testimony that the case of the majority rests.

That is the character of testimony on which this House is asked to declare this election null and void. There were 57 of McBurney's canvassers engaged in this work about a week, and 19, or more than one-fourth, of them are not found in the city directory of St. Louis. The majority of this House ask us to turn out a man on a census taken in January, when there was a chance for thousands of men, not hundreds, to move; a second chance of

many hundreds at least to die; a third chance for thousands of mistakes in the first enumeration; another chance for thousands of mistakes in the compilation; a still further chance for the registrar to get the name or the initial or the residence address wrong. All of these chances, and yet not one of them taken into account by the majority of the committee.

Judge Smith says that if we reject this McBurney canvass it makes it worse for the contestee. Turn a man out because this compilation, made by the contestant in January, 1901, found that it did not exactly correspond in name, in initials, in residence, or something of that sort with the census taken six or seven months previously. It is the most preposterous proposition that ever was presented to the House of Representatives; a greater outrage, in my humble judgment, was never attempted. They talk about frauds that were committed there. I say that to rely on the census or on the McBurney census under those circumstances, and to hold that either of them, singly or collectively, by themselves or added together, are a proper basis to deprive a member holding the certificate of a sovereign State to his right to a seat in this House, is a greater outrage upon justice than anything which they charge upon the Democratic party in the city of St. Louis.

Now, Mr. Speaker, it was said that the law of 1895, known as the Filley law, was changed in 1899. I have already shown that under the law of 1895 there was a larger percentage of registration and vote than under the law of 1899; and if the law of 1899 permitted these pretended fraudulent practices, what must have been the law it superseded? It is said that 53 of the gentlemen who were appointed to represent the Republican party in five of the wards of this district voted for Mr. Butler. I do not know whether they did or not. I have not verified the statement; and hence I will let it pass without a contradiction; but over and against it I shall set the proposition that in every one of the wards referred to by the gentleman from Iowa excepting one only, the officers, judges, and clerks appointed to represent the Republican party were appointed upon the recommendation of the local Republican committeemen, the chairman of the committee for the precinct in question.

And in the only one to which there is an exception we have the evidence that there were factional differences between the Republicans and the Republican representative on the board of election commissioners. Mr. Kobusch made the motion that representation be divided between the opposing factions. That fact is undisputed. It is in the record. It is proven by the testimony of the contestant's witnesses that where they had two Republican factions contending for supremacy in a particular ward, on the motion of the Republican member of the board of election commissioners the representation was divided. In all the others, the Republican committee—the chairman of the committee—selected his own representatives, both judges and clerks; and if they selected men who for any reason were unable to vote for Mr. Horton I submit that it is no reason why this House should declare that election null and void and turn this man out of his seat.

The Republican quota in this district was 348. The Republican committeemen—the regular committee which had charge of Horton's campaign—recommended all but 21 of the 348 names, and these 21 were appointed upon the recommendation of the opposing political factions in the Republican party in the city of St. Louis upon the motion and at the instance of the Republican election commissioner, and every one of them took an oath that he was a Republican at the time he was appointed. This is the record. It is impossible to conceive a just law more justly administered.

But gentlemen say that there was a remarkable change which came over that district. I have already alluded to the fact that in the last twenty years the Democratic party carried that district seven times and the Republican party carried it three times, and two of the times that the Republican party carried it were in 1896 and in 1898, when the Democratic party in the city of St. Louis was torn to pieces over the money question.

For sixteen years prior to that time the district had gone Democratic in every election but one. The Democratic party was in the midst of great dissensions in 1896, and the Republican party nominated a strong man and he was elected. The same thing happened in 1898, but by a largely reduced majority. In 1900 in the precincts that I am going to read you from the record, in the precincts where the Republican precinct committeemen got every judge and every clerk of their own selection, in those wards where there is no single judge or clerk but what was appointed by supporters of Mr. Horton, what does it show? The Democratic party in 7 of those wards gained 4,599 votes; the Republican party in 5 of them gained 563 votes; a net Democratic gain in 12 wards of St. Louis, where the Republicans had their own judges and clerks of their own selection, of 4,036.

Mr. Pierce's majority, the Republican nominee in 1898, was 2,321. Subtracting that from the Democratic gain in districts

where the Republicans had their own representation and wipe out all the balance and Butler has a majority of 1,715. Add to it the Democratic gains in those precincts in the other wards where the regular Republicans got their own men and the majority is about 3,000. That is the history of this district. That is the condition of affairs.

Now, what else do we find in that district going to show that Butler was fairly and honestly elected? We find, as I say, that it is a Democratic district, and it only went Republican because of the split on the money question. In 1900 the Gold Democrats came back into the party in that district in the city of St. Louis, and there were no factional differences. That fact is abundantly attested in the brief of the counsel for the contestant. The Democratic party got together in that district, and it was easy enough to restore the Democratic majority. But that was not all by any means.

The Republican party nominated the most unpopular candidate that they could put out if they had scraped the district with a fine-tooth comb. The history of this case, as this record shows, shows that after Horton was nominated, it being understood that he was the candidate of Baumhoff, the traction magnate of that city, the celebrated strike of the street car employees occurred. I can not go into all the details of it, but it is sufficient to say that it shook that city from center to circumference as nothing like it had ever done before.

Mr. Baumhoff was hung in effigy in dozens of places in the city of St. Louis. His name became a by-word and a hissing. Mr. Horton was his candidate, and organized labor took up the fight and almost to a man supported Mr. Butler. Added to that, the fact is that heretofore the negro vote in that district, which amounts to five or six thousand, had been going almost solidly Republican. At this time the colored Butler Republican club was so numerous in St. Louis that you could hardly count the number of the clubs. Mr. Butler polled a large percentage of the negro vote in that district. You add the normal Democratic majority in the district, when both factions of the party are united, and then add that part of the labor vote which had been going Republican, and add to it the large negro vote which had been going Republican, and you find out where the majority for Butler came from. He got all of it, in my judgment, fairly and honestly, unless there was some slight mistakes made in the count.

The gentleman from Iowa says that it is admitted that there were 400 fraudulent errors in the count. There is nothing of the sort. There were over 41,000 votes cast in that district, and a recount made under auspices of the contestant, two months after the election, and that only shows a discrepancy of 403 out of over 41,000 votes. There is just as much likelihood of fraud in the recount as there was in the original count.

But in any case it is by no means improbable that a mistake of a few hundred would be found in a recount of over 40,000 ballots. There is nothing at all remarkable in it; there is no evidence of fraud of any kind.

But they say they have independent evidence of men who canvassed these election precincts. They have a few cases, they have got perhaps 200 or 300 instances in all shown by men who went around and made a pretense of canvassing on the day before the election that was infinitely better than the infamous canvass made by McBurney. In one precinct, the worst place they have, the very worst, three men went around and said there were 67 men registered that they could not find.

Mr. McBurney's canvass shows there were 147 that he couldn't find. As a matter of fact, it is not shown that these 67, because they were not found, were illegal. One of the men who made the canvass testified that he was a city employee and under this Republican administration, he was instructed to go around and make a political canvass of his precinct on the day before election, and his time would run on at the office. The city of St. Louis paid this canvasser for his time while he served the Republican party, and of course he had to bring in something of a showing, and he brought in 67 names. But the Republican precinct committeemen in other precincts who come and testify, some of them put one man down that they couldn't find, and some of them put a half a dozen. One of them puts down 15; and that was at the headquarters of the Republican party in his precinct. There is not a single one, barring this case of this employee of the city, whose time was running while he was serving the Republican party—there is not a single one that puts down over a dozen, except in this case where the registration was made at the Republican headquarters. In every similar case McBurney reports from 150 to 200 not found.

Now, against that testimony what do we have? The law of the city of St. Louis—this much-denounced law—provides that the two clerks—the Republican clerk and the Democratic clerk of each precinct in the city of St. Louis—shall go to every house in the various precincts with a certified copy of the registration list, to find out if the men whose names are on the list are there;

and if they are not there it is the duty of these two clerks, or either of them, to report such fact to the four judges sitting as a board, and notice is served upon any man who is not found or who they think is fraudulently registered, that notice being by personal service, if possible, or if not, they must try to reach him through the mails, and if he does not come up and make proper explanation his name is stricken from the list. These clerks in every precinct in this Congressional district—Republican and Democratic—took a certified copy of the registration list and went through every precinct in the district. These men made that canvass under oath. They were representatives of both political parties; and then there was the board of judges, who were representatives of both political parties; and provision was made for giving notice through the mail when a man could not be found, and every man in regard to whom there was any suspicion, every man who was found to be fraudulently registered, had his name turned in, and those names were stricken from the list before election day.

Here was a canvass made under the law, under the oaths of the officers of the law—made to officers of the law in every precinct of the city—made a few days before the election—after the registration book had closed; and yet they tell us that because the compilers of this political canvass and the employees of this contestant report to us that there is a discrepancy in the initials or in the addresses of some of the names—that this must be set off against the sworn report of the officers of the law acting in the discharge of their duties under their oaths! I say, gentlemen, that it would be a shame upon the House of Representatives if a man were denied his seat in this Congress on such a case.

Ah, but they say they discovered that a fraudulent registration was going on, and that they sent out registered letters for the purpose of testing the fraudulent registration. Did they send out 14,000 of such letters—did they send out 20,000, did they send out 12,000, or did they send out 9,000? Not a bit of it.

Mr. SMITH of Iowa. Will the gentleman allow me a question?

Mr. BOWIE. Surely.

Mr. SMITH of Iowa. It is a fact, is it not, that at the time these letters were sent out the parties who sent them out were not in possession of copies of the Federal census and had no method of locating or determining those 9,000-odd names that should have been on the list?

Mr. BOWIE. I do not know whether they had the Federal census or not. I presume they had not.

Mr. SMITH of Iowa. Does not the gentleman know that the Federal census had to be put in in rebuttal; that it was not even copied in time to be put in in chief?

Mr. BOWIE. I know that they did not have this document that we had.

Mr. SMITH of Iowa. They did not have the McBurney canvass and they did not have the Federal census?

Mr. BOWIE. No, sir.

Mr. SMITH of Iowa. So that they had no means of knowing these names until after those letters had been sent out?

Mr. BOWIE. Certainly they did not know anything about the McBurney canvass, and they did not have the copy of the Federal canvass which they have since put in evidence. But I know that under the law in Missouri it was required that each of the election precincts should as nearly as practicable have 400 voters. Of course in some cases the number went, of necessity, above that and in some the number below, so as to avoid splitting up blocks. But that was about the average under the law of the State. And I do know that the Republican precinct committeemen elected by the party authorities made canvasses. I do know that the Republican clerks and the Democratic clerks made canvasses under oath, and under the penalties of the law.

Mr. SMITH of Iowa. Will the gentleman permit me to ask him one further question?

Mr. BOWIE. Certainly.

Mr. SMITH of Iowa. Is it not a fact that, when these Republican committeemen went about, there is evidence here that the keepers of these lodging houses in which we now claim these frauds largely took place would go out and bring in lists that had been furnished them and check them off and say, "Yes, that man lives here; yes, that man lives here," and the like? Is there not evidence to that effect?

Mr. BOWIE. In one instance one man so testifies, and there is a dozen in which the committeemen themselves say that there is not a single man on the list that did not belong there.

Mr. SMITH of Iowa. And is it not a fact that these Republican clerks that the gentleman is talking about largely voted the Democratic ticket?

Mr. BOWIE. No, sir.

Mr. SMITH of Iowa. You say there is not a large percentage of those clerks that you present us with and labor Republicans that voted the Democratic ticket?

Mr. BOWIE. I admit that you state it, and I do not dispute it.

Your committee stated that you had found fifty three or four clerks and judges—

Mr. SMITH of Iowa. Sixty who voted against our ticket.

Mr. BOWIE. All right, put it sixty. But did not all vote for Butler?

Mr. SMITH of Iowa. Not quite. Fifty-four voted for Butler.

Mr. BOWIE. All right. I admit that you stated you made an examination of the ballots and you found those sixty or fifty-four, whichever it is, who voted for Butler.

Mr. SMITH of Iowa. In five wards out of fifteen.

Mr. BOWIE. Did you examine the others?

Mr. SMITH of Iowa. No, sir; we did not.

Mr. BOWIE. Then you ought to have done it, if you thought it was worth anything to you. The Republican quota was 348 in that district, and one-sixth of them, you say, voted the Democratic ticket.

Mr. SMITH of Iowa. And you do not dispute it.

Mr. BOWIE. And I say that four-fifths of those who voted the Democratic ticket were appointed upon the recommendation of the Republican committeemen.

Mr. SMITH of Iowa. The Good Government League?

Mr. BOWIE. No, sir; the supporters of William M. Horton, and the balance of them under the resolution offered by Mr. Kobsch, from the contesting factions, and everyone took an oath that he was a Republican. That is what I say.

Mr. POWERS of Maine. And then voted the Democratic ticket?

Mr. BOWIE. No, sir. There were others running in that election besides Congressmen. There was a municipal election and a national election for President, and because some of these men who had hung Mr. Baumhoff in effigy, some of them who thought they were ground down by Mr. Baumhoff in that strike, some of these laboring men, said that they would not vote for two men on that ticket, did not prevent them from being Republicans, and it did not interfere with the fact that they were honorable men, not a bit of it, and would make an honest canvass. Now, I want to call attention to the testimony of the Republican committeeman, the chairman of his ward, Mr. Patrick H. Clark, and read what he says about the condition of affairs in the city of St. Louis.

Q. You remember, as a matter of course, the street-car strike in this city during the summer last past?

A. Yes, sir.

Q. Between the management of what is commonly known as the Transit Company and their employees?

A. Yes, sir.

Q. You remember, of course, that Sheriff Pohlman swore in about 1,000 men that constituted what he was pleased to call a posse comitatus, arming them with shotguns, do you not?

A. Yes, sir.

Q. Do you remember that public feeling ran very high in the city of St. Louis on account of that strike?

A. Yes, sir.

Q. And that the citizens, regardless of party, were greatly divided on account of the strike?

A. Yes; no doubt about that.

Q. That it even went so far as to create more or less personal feeling between the citizens?

A. Yes, sir.

Q. Do you remember that these men were uniformed and that they were in charge of men with a quasi military title, such as "colonel," "lieutenant," "captain," etc., in which Mr. Fisse, the chief counsel for Mr. Horton in this matter, was known as a captain, or general, or brigadier, or something or other, and in which Mr. Chester H. Krum, also counsel for Mr. Horton in this matter, was known by some quasi military title, and also in which Mr. Charles Broadhead, counsel for Mr. Horton in this matter, was a prominent officer, and also in which Mr. Charles W. Holtcamp, counsel for Mr. Horton in this matter, was known as a captain, or chaplain, or something, and also Mr. A. C. Orrick was known as a first lieutenant or lieutenant; also in which Mr. Arthur Shepley, counsel for Mr. Horton, took a prominent part; do you know of that organization known as the posse comitatus, such as I have described?

A. Yes, sir.

Q. You know, also, that these men, under the able leadership of these able generals paraded the streets of St. Louis and made themselves very obnoxious to citizens of certain quarters, particularly so in South St. Louis?

A. Yes, sir.

Q. Do you know, too, by public rumor, press reports, and matters of public knowledge, that a great many men were shot down by the rank and file of this posse comitatus?

A. Yes; I read of it.

Q. You know, also, that several men were killed by members of this posse, supposedly?

A. Yes, sir.

Q. At all events, they were killed in a disturbance between the striking men and the posse?

A. Yes, sir.

Q. And that an inquest was held over the bodies of those dead citizens before the coroner, and that the coroner's jury returned a verdict of "unjustifiable homicide?"

A. Yes; I have read of that, too.

Q. You know that men congregated daily upon the street corners and in the hotels and around the grocery stores, and that that was almost the sole topic of discussion?

A. Yes, sir.

Q. You know, too, at this time, that Mr. Baumhoff was the acting spirit on behalf of the railroad company, and he occupied the position of general manager of the railroad company?

A. Yes; he occupied that position, and occupies it now, I guess.

Q. And do you know, of your own personal knowledge, or through the public press, that Mr. Baumhoff was hanged in effigy from the trolley poles and from lamp-posts, and other places all over town?

A. Yes, sir.
 Q. So high did public sentiment run. Following this strike, Mr. Horton was nominated by the Republican party for Congress?
 A. You have got that wrong; he was nominated before that strike.
 Q. Before the strike? Very well. Do you know as a matter of fact that Mr. Horton was generally considered in the city of St. Louis, whether right or wrongfully, as being the direct representative and the nominee of Mr. Baumhoff?
 A. The laboring people thought so.
 Q. That was the prevalent opinion, was it not?
 A. Yes, sir.
 Q. Don't you know that on account of that prevalent opinion a large body of the Republican party refused to support Mr. Horton?
 A. I know a good many of them that said they wouldn't support him; printers and mechanics of all kinds.
 Q. All the trades unions were allied with the street-car men in this strike, were they not?
 A. Yes, sir.
 Q. And they combined against the candidacy of Mr. Horton and other candidates?
 A. That was the principal cause of the defeat of the Republican ticket.
 Q. Even at the time of Mr. Horton's nomination, as you say, prior to the strike, is it not a fact that there was much dissatisfaction among the rank and file of the Republican party over his nomination?
 A. There was a great deal of dissatisfaction over the rolling of Major Pearce—beating of Major Pearce.
 Q. Major Pearce had represented this district previously?
 A. Yes, sir.
 Q. And had made an acceptable candidate to his party and an acceptable Congressman to the party at large?
 A. A good Congressman; the best we ever had here.
 Q. Now, can you tell me who was responsible, mainly, for the rolling of Major Pearce?
 A. Principally, I think it was Mr. Baumhoff.
 Q. Didn't that rolling of Major Pearce, who was a prominent, popular, and able man, create within itself much dissatisfaction?
 A. Yes, sir.
 Q. Among the rank and file of the Republican party?
 A. Yes; a good many said it was a mistake.
 Q. There are a great many Germans in the Twelfth Congressional district, are there not?
 A. Yes; there is a good many.
 Q. Before I go into that, is it not a fact that you know that the national Republican committee called representatives of Mr. Horton to the city of Chicago and endeavored, in the interest of peace and harmony in the Republican party, to induce him to withdraw from the race?
 A. I have heard that; I don't know that to be a fact.
 Q. You don't know that to be a fact?
 A. I have heard that rumor.
 Q. You have heard that rumor, and it was generally talked of in Republican circles?
 A. Yes, sir.
 Q. And talked of as an accepted fact?
 A. Yes; I have heard of it.
 Q. So great was the dissatisfaction with the candidacy of Mr. Horton, and so sure were the rank and file of the Republican party that he would be beaten, as you understand, he was called to Chicago by the national committee, in an effort to get him to withdraw from the race?
 A. I have heard that.

Now, I might quote a great deal more along the same line. I want to quote one piece of testimony further in corroboration of that proposition. Here is the testimony of Philip Rodan, the second vice-president of the Fourteenth Ward Republican League Club, a chairman of the precinct committee of the eleventh precinct of that ward, testifying on this question:

Q. Your position in your precinct gives you an exceptional opportunity to learn the sentiment of the voters of your own party, does it not?
 A. It ought to.
 Q. What was the sentiment and the apparent intention, from your knowledge, of the Republican voters in your precinct?
 (Objected to.)
 A. Well, a great many of them believed that Mr. Horton was put up as a "straw man;" that it was simply an understanding between Mr. Butler—that is, I mean Col. Ed Butler—and certain Republican officials that Horton would be defeated and Butler elected, and I believe a good many of them came to the conclusion that as long as the prominent Republicans were of that belief, that the little ones might just as well fall in line.

There you have your explanation as to why it was that this Republican majority in this district was overcome and Mr. Butler was elected—out of the mouths of their own witnesses and their own officials, whose character they vouch for when they put them upon the stand.

Mr. PALMER. You were speaking about 1,500 letters that were sent out, when somebody diverted your attention. I will ask you what became of those.

Mr. BOWIE. Yes; I want to get to that. I have some testimony on the desk.

Mr. PALMER. Those letters were sent out to persons alleged to have been illegally registered?

Mr. BOWIE. That is the pretense.

Mr. PALMER. That is what they claim?

Mr. BOWIE. That is what they now claim, and I want to show upon what a thin and unsubstantial foundation that pretense rests.

Mr. PALMER. The question I want you to answer is, What became of the letters? Did they find the people to whom they were addressed?

Mr. BOWIE. Some of them did and some of them did not. Now, have you heard what was in those letters?

Mr. PALMER. Never mind what was in them.

Mr. BOWIE. I prefer to answer in my own way. There was nothing in the letters except the card of William M. Horton, can-

didate for Congress. The letters were marked "Personal," and strict orders were given not to deliver them to any man except the person to whom they were addressed; to accept no agents, to accept no orders, but to deliver them only to the men to whom they were addressed. Two or three hundred of those letters were actually delivered. The men who got them felt that they were the victims of a fraud and an imposition, and they denounced it as a fraud, and they were outraged because a thing of that sort had been attempted upon them. They noised it abroad. They talked it far and wide, and every man to whom those letters were addressed became aware of the fact that all there was in these letters were Mr. Horton's cards. They were sent in bunches of 50 or 60 to one place. They were sent between the hours of 8 or 9 in the morning and 4 and 5 in the afternoon to laboring men who rose at sun-up and did not return to their places of residence until after dark.

The purpose, the infamous purpose, behind the sending of those letters was to build up a fraudulent case in order to offset to some extent the great dissatisfaction which existed in St. Louis against the Republican nominee. And so they refused to send those letters there at the time when these men could receive them. The only way they could get them after they got the notices was to go—it may be several miles to the post-office—and get witnesses who happened to be acquainted with the clerk at the post-office to identify them after they got there, and then to receive what they knew in advance was nothing but the card of Mr. Horton. Now, what does the evidence show? I want to call your attention to what the evidence shows with reference to whether those men actually lived at those places or not. I want to take as a sample 509 South Second street. I hope the gentleman will listen.

Mr. PALMER. I am listening.

Mr. BOWIE. The facts which I am now about to state are set forth in the minority report.

Mr. J. H. Schultze, letter carrier, testifies, on page 665, that he had 30 registered letters addressed to 509 South Second street, many of which were undelivered, and the inference is sought to be drawn that these were all fraudulent. And yet on this very matter Mr. George Schumacher, the Republican judge for the fifth precinct of the Fifth Ward (Rec., 936), says that 509 South Second street was a four-story hotel, having 68 beds; that it was a perfectly reputable place; that ordinarily 35 to 40 men lived there at the time he kept it, which was up to July, 1900; that he was succeeded by Peter Gill, who ran it in the same manner; that as a rule a poor class of laboring men lived there, but no women whatever were received; that on a pinch they could accommodate 68 men.

Mr. Ehler, the Republican clerk for the second precinct of the Fifth Ward, in which this house is located, testifies (Rec., 942) that he went there with the Democratic clerk and was informed by the proprietor that every man registered from there lived there, and there were 38 in all. He marked no one off the list.

Mr. John Allen, the Republican judge for that precinct (Rec., 1176), said that he was personally acquainted with nearly every man who was registered there, and that he also knew pretty nearly all who lived in the precinct.

Mr. Remmler, the Republican challenger (pp. 861-862), testified that he did not know whether there were 20 men or 40 men living at this place, but that many of them did not vote; and that he was satisfied that every man who did vote from that place was entitled to do so.

The Republican challenger testified to that. That is the testimony as to that place, and there is identically the same character of testimony virtually as to every one of those places. Take 520 South Third street, concerning which Mr. Schultz, the letter carrier, testified:

Q. Can you say why these were not delivered, those addressed to 520 South Third?

A. Because they were not there at the time.

Q. What is 520 South Third?

A. A lodging house.

Q. How large a house?

A. It is a two-story building about 25 feet wide by about 75 feet deep.

Q. Glance over the letters addressed to 520 South Third and tell me how many of the men you know.

A. Do you mean that I know personally?

Q. Yes; that you know were in the house.

A. I do not know any of those personally.

A. How many of them do you know to have been in the house at the time?

A. I recognize some of them as being people I have left letters for. I do not know them. They would probably be working.

Now, I have not the time to read all this testimony, because there are over 2,000 pages of it. There were 50 or 60 witnesses examined on this very matter. They went to these places when these laboring men could not have been there except by accident.

Mr. PALMER. I am a juror here. I want to get at the truth of this.

Mr. BOWIE. I am trying to give you the truth.

Mr. PALMER. Do you undertake to say that any of these persons who were alleged to have been fraudulently registered were in fact in existence, and did you bring any of those men to testify?

Mr. BOWIE. Why, my dear sir, the testimony of Republican challengers here in this ward, in the first case that I read, is that the challenger knew all these people that voted, and he did not believe a single one had voted illegally.

Mr. PALMER. That is all right enough, but then the allegation is that there were eight or nine thousand men who were fraudulently registered, and that these men did not live in St. Louis

and never had lived there; that they could not have been at the places where they were registered from. Did you bring any of these men before the Election Committee to prove that they actually existed and were entitled to register from the places from which they were registered?

Mr. BOWIE. The contestee did not take any testimony.

Mr. PALMER. Oh!

Mr. BOWIE. He submitted the case upon the testimony of the contestant—

Mr. PALMER. That answers the question.

Mr. BOWIE. Because that testimony shows conclusively to any fair-minded man, in my humble judgment—and I do not mean any reflection upon the majority of this committee—that these charges of fraud are false. It was an utter impossibility, with the safeguards that were thrown around that election, and with the managers and clerks who were appointed, an utter impossibility for there to have been that number of fraudulent registrations.

Mr. PALMER. Now, as I understand your position, it is this: The fact that a person alleged as being fraudulently registered could not be found when the census was taken, and could not be found in December, that is no evidence that they were not there and not legal voters.

Mr. BOWIE. That they were not found. It is simply a question of mistake of the officials. It is secondary testimony five or six times removed from the original. There are some who moved from one precinct to another; there are some who died; some mistakes in the census; some mistakes in the registration; some mistakes in the compilation. It is perfectly preposterous to talk about unseating a man on such evidence. Why is it that this condition applies to this election district, the only one in the United States, where there were so many names, more than half, according to the theory of the contestant, about two-thirds in many cases, of all the votes not registered? Do you believe that, gentlemen, when these Republican judges and clerks and committeemen themselves testified to the fairness of it? Do you believe that in this district the legitimate registration was only 12 per cent of the population? Yet such is the case presented by the majority of the committee.

Again, the gentleman from Iowa quotes from the testimony of a man named Breitschuh, alias Bradshaw, in which he says how many votes were cast by the so-called Williams gang.

Mr. SMITH of Iowa. About 120.

Mr. BOWIE. One hundred and twenty; and yet the testimony of the negro driver of the wagon which hauled the Williams gang said that its utmost capacity was 18 or 20.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him this? Did not the gentleman well know that the 20, not 120, of the Williams gang voted time after time in the same precinct?

Mr. BOWIE. Well, I will read—I will prove what I started to assert by your witness Breitschuh, alias Bradshaw, who is also the man that you were speaking of.

Mr. SMITH of Iowa. When you say that I named the witness, I never named the witness, but said that he was one of many.

Mr. BOWIE. He was your crackerjack witness, the one that you singled out in your argument.

Mr. SMITH of Iowa. I never named him in my argument. You asked me about him, and I said he was one of many.

Mr. BOWIE. I asked you about the man you were talking about. I do not care whether you named the man or not. I understood whom you referred to. Mr. Herman Breitschuh was the witness. It is fortunate that this occurrence is testified to by other witnesses than Mr. Breitschuh, alias Bradshaw. And I will read the testimony of the other witnesses.

Mr. SMITH of Iowa. I trust the gentleman will remember that he is the first man who named this witness.

Mr. BOWIE. I do not care anything about who it was that first mentioned him. You referred to the witness's testimony, and I wanted to identify him.

Mr. SMITH of Iowa. I spoke of him as one of many.

Mr. BOWIE. He was the one that you were talking about, and the fact is there were other witnesses who testified to the same occurrence you referred to and who prove that Mr. Breitschuh lied about it. Here is what Mr. Breitschuh said about it. I have it, and I will read from the minority report. It is on page 182 of the record. He testifies as to an alleged outrage on the clerk of that precinct. Breitschuh says there were 75 to 100 men in this gang, and this driver said that the wagon which hauled them would not hold over 15 to 20, and the wagon was not always full.

Mr. TAYLER of Ohio. Where is the statement of 75 or 100?

Mr. BOWIE. That is the number of the Williams gang mentioned by Breitschuh and who were alleged to be present at the time of the occurrence related by that versatile witness about which so much is said in the majority report and to which the gentleman from Iowa referred in his opening argument.

Mr. TAYLER of Ohio. I referred to Breitschuh. I stand by Breitschuh. He is a very intelligent witness.

Mr. BOWIE. I believe that he says that there were 75 to 100 of the "gang" present, but I am not sure.

Mr. TAYLER of Ohio. It was 50 or 75 he told us, and that they voted two or three times apiece.

Mr. BOWIE. My recollection is he said 75 to 100. I will ask some other gentleman if he will examine the record. I will ask the gentleman from Texas [Mr. BURGESS] to please examine page 182 of the record and see if he can find this. I do not want to make any mistake about it. I am reading from page 29 of the minority report:

They voted so often that it took them from 10 o'clock in the morning until 2 in the afternoon at one precinct.

Four hours this Williams gang remained at one precinct! The majority of the committee say that this same gang went to 25 or 30 precincts; and according to that, if the majority is right and Breitschuh is right, they had a day in St. Louis that was from one hundred to one hundred and twenty hours long. This lays in the shade even the famous record of Joshua, when he commanded the sun to stand still.

Now, Breitschuh testifies to a great outrage—and is quoted at length by the majority—perpetrated on the clerk by these men, who put a pistol at his head and run him out. I will read:

Mr. ORRICK. Did you see the clerk come out?

A. I did.

Q. Was he put out or did he come out voluntarily?

A. I guess he ran out—scared of getting killed. He said a fellow had a gun up to his head, and he thought it was about time to move.

Again he was asked:

Q. Were these men you refer to as Indians white or colored?

A. White men.

Now, it so happens that Mr. Wefferling, the Republican clerk, was also examined as to what happened that day, and he completely contradicts Mr. Breitschuh on this question. I quote from Mr. Wefferling (Record, p. 1642), as follows:

Q. Was there any trouble of any kind there at the polls in your precinct?

A. I don't know. There may have been on the outside.

Q. But there was none on the inside?

A. No, sir.

Q. Did you look outside of the polling place at any time?

A. Once in a while, when we had nothing to do.

Now, Mr. Clark, the Republican central committeeman of that ward, testifies that Wefferling was appointed upon his recommendation. Mr. Wefferling said further that he had made a careful canvass of the precinct; that he had lived there all his life; that he knew practically every white man in it, and found only one case of false registration, which he reported. On page 1639 he was asked:

Q. Did anyone appear there and ask to vote and was not entitled to vote, to your knowledge?

A. I don't know; not to my knowledge.

Q. How long have you been living in that precinct?

A. Twenty-seven years.

Again, on pages 1641 and 1642, he said:

Q. How long have you lived in that place?

A. For twenty-seven years; not exactly in the same house, but in that neighborhood.

Q. So you know nearly everybody there, do you?

A. Yes, sir.

Q. Did you see anybody come there to register or vote that you did not know?

A. No, sir.

Q. You knew them all?

A. All, except the darkies.

None of the Republican judges at this precinct were examined, but they were all appointed upon the recommendation of Mr. Clark.

Such is the character of testimony upon which the committee in this case seek to impeach the result of this election.

Mr. Speaker, I regret that this record is so large and the issues so great I have been forced to consume very much more time than I had expected to do in the presentation of this case. I have done so in the hope that this case would get fairly presented to the House. I believe that every suggestion made by the other side can be answered, as I have answered these. I do not believe that there was any such fraud in the election there as they charge. I do not believe there was any more there that day than was usual in large cities. There were a few fights, a few little irregularities; perhaps some things happened that ought not to have happened, but nothing whatever upon which to found the judgment that 3,500 majority should be wiped out, as proposed in this case.

I believe this man was honestly and fairly elected, and he is entitled to keep his seat. I do not know whether the gentlemen on the other side who have not done me the honor to listen to me, or even those who have, will vote as I shall in this case; but I have no hesitation in saying that, in my humble judgment, I honestly and sincerely believe that James J. Butler was fairly elected to Congress from that district, and I believe he ought to,

and if he gets his dues will, retain his seat. [Applause on the Democratic side.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1225) granting an increase of pension to Clara W. McNair.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5506) granting an increase of pension to Clayton T. Van Houten.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch.

Also, that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State.

The message also announced that the Senate had passed with amendments the joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., in which the concurrence of the House was requested.

The message also announced that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House was requested:

S. R. 123. Joint resolution for the relief of Naval Cadet William Victor Tomb, United States Navy;

S. R. 124. Joint resolution to provide for the printing of the memorial address on the life and character of William McKinley, late President of the United States, by the Hon. John Hay, before the two Houses of Congress; and

S. R. 127. Joint resolution authorizing the loan of plans and drawings of park improvements of the District of Columbia.

A further message from the Senate announced that the Senate had agreed to the amendments of the House to the bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

The message also announced that the Senate had passed a bill of the following title (S. 3560): An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, in which the concurrence of the House was requested.

ELECTION CONTEST—HORTON AGAINST BUTLER.

Mr. TAYLER of Ohio. Mr. Speaker, I yield one hour to the gentleman from Missouri [Mr. BARTHOLOMEW].

The SPEAKER. If the gentleman will suspend for a moment, the gentleman from Minnesota has a conference report.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I desire to present a conference report on the District of Columbia appropriation bill.

The SPEAKER. It will be printed under the rule.

[For conference report see Senate proceedings, page 7498.]

The statement is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14019) making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1903, submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report on each of the Senate amendments, namely:

On Nos. 1, 2, 3, 4, and 5, relating to the executive office: Increases the salary of the janitor from \$1,000 to \$1,200 and of the property clerk from \$1,200 to \$1,400, as proposed by the Senate, and strikes out the provision for an additional clerk at \$720.

On No. 6: Inserts the provision proposed by the Senate to punish bribery in the District of Columbia.

On Nos. 7, 8, and 9, relating to the assessor's office: Increases the salary of the assistant assessor from \$1,600 to \$2,000 and of the clerk to the board of assistant assessors from \$1,200 to \$1,500, as proposed by the Senate.

On No. 10: Appropriates \$5,500, as proposed by the Senate, for salaries and expenses of the excise board, and requires that all receipts from liquor licenses shall be paid into the Treasury.

On No. 11: Strikes out the provision inserted by the House reviving the personal-tax law of 1877.

On Nos. 12, 13, and 14, relating to the collector's office: Provides for an assistant cashier at \$1,400 and for two coupon clerks at \$900 each, as proposed by the Senate.

On No. 15: Authorizes the employment of clerks on extra labor in the preparation of tax-sale certificates.

On Nos. 16, 17, 18, 19, and 20, relating to the Auditor's Office: Increases the compensation of the chief clerk from \$2,100 to \$2,250 and of one clerk from \$1,400 to \$1,600, as proposed by the Senate, and inserts a provision defining the duties of the Auditor with reference to settling differences with the Treasury and requiring him to countersign all checks.

On Nos. 21 and 22: Appropriates for a clerk at \$900, as proposed by the House, instead of at \$1,000, as proposed by the Senate, in the office of the sealer of weights and measures.

On Nos. 23, 24, and 25: Strikes out the increase in the salaries of the computing engineer and superintendent of sewers proposed by the Senate.

On Nos. 26, 27, and 28, relating to the department of insurance: Appropriates \$600 for temporary clerk hire and strikes out the provision proposed by the Senate for one clerk at \$1,400 and one clerk at \$1,200.

On Nos. 29 and 30: Appropriates \$13,000, instead of \$12,000, as proposed by the House, and \$15,000, as proposed by the Senate, for employees in the surveyor's office.

On Nos. 31, 32, and 33: Appropriates \$12,000, as proposed by the Senate, instead of \$9,500, as proposed by the House, for binding and miscellaneous expenses of the Free Public Library, and authorizes expenditures for rent.

On No. 34: Appropriates \$30,000, as proposed by the Senate, instead of \$25,000, as proposed by the House, for contingent and miscellaneous expenses.

On Nos. 35, 36, and 37: Restores to the bill the provision proposed by the House regulating the expenditures for horses and wagons.

On No. 38: Appropriates \$540, as proposed by the Senate, instead of \$240, as proposed by the House, for rent of office for the department of insurance.

On No. 39: Strikes out the appropriation of \$480 proposed by the Senate for rent of office for superintendent of property.

On No. 40: Appropriates \$2,500, as proposed by the Senate, for clerical service, books, and equipments in the office of register of wills.

On No. 41: Strikes out the appropriation of \$5,000 proposed by the Senate for fireproof bookshelves in the office of the recorder of deeds.

On No. 42: Strikes out the appropriation of \$150 for glass for certain portraits in the District offices.

On Nos. 43, 44, and 45: Appropriates, as proposed by the Senate, \$900 for enlargement of fireproof file case in the surveyor's office, \$300 for photolithographing certain old maps, and \$2,000 for resurvey of Beatty and Hawkins's addition to Georgetown.

On No. 46: Appropriates \$145,000 instead of \$140,000, as proposed by the House, and \$150,000, as proposed by the Senate, for assessment and permit work.

On Nos. 47, 48, 49, and 50: Appropriates, as proposed by the Senate, \$15,500 for paving South Capitol street and Delaware avenue, \$15,400 for paving North Capitol street, and \$6,400 for paving P street NW., and strikes out the appropriation of \$14,600 proposed by the Senate for paving S street NW.

On No. 51: Reappropriates the unexpended balance of the appropriation of \$40,000 for opening alleys, and strikes out the appropriation proposed by the Senate of an additional sum of \$25,000 for said work.

On Nos. 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 78, all relating to the construction of county roads and suburban streets, appropriates as proposed by the Senate for the following:

Leroy place to Wyoming avenue, \$8,000;
Joliet street, \$7,000;
Providence street, Brookland, \$5,500;
Nebraska avenue, \$2,500;
Kenesaw avenue, \$10,000;
Eleventh street extended, \$15,000;
New Hampshire avenue, \$13,500;
Connecticut avenue extended, \$10,000;
Thirty-seventh street, and other streets in Burleigh subdivision, \$3,000;
Wyoming avenue, \$4,300;
Mintwood place, \$5,000;
Decatur street, \$12,000; and
Quincy street, \$5,000; and strikes out the provisions proposed by the Senate for the following:

R street, \$6,500;
Blagden avenue, \$3,000;
Reno road and Emerson street, \$3,000;
Kramer street, \$5,000;
Pennsylvania avenue extended, \$10,000;
Erie street, \$2,500;
Rhode Island avenue, \$25,000;
Wisconsin avenue, \$15,000;
Concord street, Brookland, \$2,000;
Seventh street, Bunker Hill road, \$5,000;
Messmore street, \$1,500;
Fourteenth street, \$40,600; and
Kansas avenue, \$2,000.

On No. 79: Appropriates \$10,000, as proposed by the Senate, for the Massachusetts avenue bridge.

On No. 80: Appropriates \$65,000, as proposed by the Senate, for repairs to the Aqueduct Bridge.

On No. 81: Increases the limit of cost of the highway bridge across the Potomac River from \$568,000 to \$996,000, and extends the time for construction of the bridge from two to four years; authorizes contracts for constructing the bridge within the limit of cost; requires the asphalt paving between railway tracks on said bridge to be maintained by street railway companies using the same, and grants to all street railway companies chartered or that may hereafter be chartered by Congress the right to cross said bridge.

On No. 82: Appropriates \$5,000, as proposed by the Senate, for survey of Anacostia River flats.

On Nos. 83, 84, 85, 86, and 87, relating to sewers: Appropriates \$52,000, as proposed by the Senate, instead of \$50,000, as proposed by the House, for completing the East Side intercepting sewer; \$20,000, with right to contract up to \$42,000, as proposed by the Senate, for constructing trunk sewer to serve the western part of Georgetown; appropriates \$50,000, instead of \$250,000, as proposed by the Senate, for constructing in part the B street and New Jersey avenue trunk sewer, authorizes a contract for \$200,000 additional work on said sewer, and strikes out the appropriation of \$75,000 proposed by the Senate for the Arizona avenue sewer.

On No. 88: Appropriates \$2,000, as proposed by the Senate, for fencing James Creek Canal.

On No. 89: Appropriates \$90,000, as proposed by the House, instead of \$200,000, as proposed by the Senate, for sprinkling, sweeping, and cleaning streets.

On No. 90: Appropriates \$1,000 as proposed by the House, instead of \$5,000 as proposed by the Senate, for cleaning snow and ice from cross-walks and gutters.

On Nos. 91 and 92: Makes the appropriation for the bathing beach available from May 15, 1902.

On No. 93: Appropriates \$14,000, instead of \$12,000 as proposed by the House, and \$15,000 as proposed by the Senate, for general supplies of the electrical department.

On No. 94: Appropriates \$9,000 as proposed by the Senate, instead of \$8,000 as proposed by the House, for placing under ground the wires of the electrical department.

On Nos. 95 and 96: Strikes out the appropriation of \$5,250 proposed by the Senate for a 4-dial 4-number manual transmitter for fire-alarm office, and makes a verbal correction in the text of the bill.

On Nos. 97 and 98: Appropriates \$4,000 as proposed by the Senate, instead of \$3,500 as proposed by the House, for raising roof of building occupied by fire alarm headquarters.

On Nos. 99, 100, 101, 102, 103, 104, 105, 106, and 107: Appropriates \$200,000 as proposed by the Senate, instead of \$185,000 as proposed by the House, for street gaslighting; limits the price per lamp to \$30 as proposed by the Senate, instead of \$18 as proposed by the House; requires the gas company to pay the expense of purchasing, erecting, and maintaining new lamp-posts, street designations, lanterns, and fixtures; authorizes the use of \$15,000 as proposed by the House, instead of \$20,000 as proposed by the Senate, for Welsbach street lights of not less than 60 candlepower, at a cost of not exceeding \$25 per lamp as proposed by the House, instead of \$30 as proposed by the Senate; and inserts a provision authorizing the gas company during the fiscal year 1903 to reduce from 25 candlepower to 23 candlepower illuminating gas.

On Nos. 108, 109, and 110: Appropriates \$76,000, instead of \$66,656 as proposed by the House and \$85,000 as proposed by the Senate, for electric arc lighting; fixes the price at \$72 per annum as proposed by the House, instead of \$85 as proposed by the Senate, for each electric arc light, and inserts the provision proposed by the Senate authorizing the erection of poles and the stringing of overhead wires outside of the fire limits and east of Rock Creek for electric-lighting purposes.

On No. 111: Strikes out the appropriation of \$18,000 proposed by the Senate for preliminary surveys for additional conduit from Great Falls.

On Nos. 112 and 113: Appropriates \$600,000 as proposed by the House, instead of \$1,200,000 as proposed by the Senate, for the filtration plant.

On No. 114: Appropriates \$67,240 as proposed by the Senate, instead of \$12,000 as proposed by the House, for fencing and other improvements around the Washington City Reservoir and shafts of the Washington Aqueduct tunnel.

On No. 115: Appropriates \$2,500 as proposed by the House, instead of \$20,000 as proposed by the Senate, for Rock Creek Park.

On Nos. 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156, all relating to the public schools: Strikes out all of the increases in salaries proposed by the Senate on account of employees of the school board and of school teachers, except that one head of department of English in Manual Training School No. 1, at \$1,300, is provided for instead of one teacher, at \$1,000; appropriates for expenses of night schools and for kindergarten instruction, as proposed by the House, instead of as proposed by the Senate; strikes out the appropriation of \$5,500 proposed by the Senate for medical inspectors of schools; provides for a superintendent of janitors, at \$1,200, as proposed by the Senate; appropriates \$55,000, as proposed by the House, instead of \$60,000, as proposed by the Senate, for repairs of school buildings; appropriates \$12,000, as proposed by the Senate, for repair of heating apparatus in school buildings; strikes out the appropriation of \$5,000 proposed by the Senate for grading, filling, paving, draining, and inclosing school yards; appropriates \$15,000, as proposed by the House, instead of \$20,000, as proposed by the Senate, for tools, etc., in connection with instruction in manual training; appropriates \$2,500, as proposed by the Senate, for pianos for school buildings; appropriates \$22,500, as proposed by the Senate, instead of \$45,000, as proposed by the House, for text-books and school supplies; provides for a business high school building, as proposed by the Senate, to cost not exceeding \$175,000, and appropriates \$77,500 for site and plans therefor; appropriates, as proposed by the Senate, \$25,000 for a new school building in Brookland, \$7,000 for purchase of lot for Western High School, and \$1,944 for additional playground for Giddings School; and strikes out the following appropriations proposed by the Senate: \$15,000 for manual training school on School street, \$26,000 for reconstructing Henry School, and \$95,000 for a new school building in the second division.

On Nos. 157, 158, 159, 160, 161, and 162, all relating to the Metropolitan police: Provides for 15 additional policemen instead of 35 as proposed by the Senate; appropriates \$30,000 as proposed by the Senate, instead of \$25,000 as proposed by the House, for contingent expenses; appropriates \$20,000 as proposed by the Senate for a station house and stable in southeast Washington, and \$600 for rent of a building in said precinct.

On Nos. 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, and 180, all relating to the fire department: Strikes out all of the increases in compensation proposed by the Senate; appropriates \$65,860, instead of \$60,000, as proposed by the House, and \$71,480, as proposed by the Senate, for miscellaneous objects, including repairs to engine houses, apparatus, contingent expenses, and other objects; appropriates \$15,750, as proposed by the House, instead of \$15,000, as proposed by the Senate, for purchase of new engines; strikes out the appropriation of \$25,000 proposed by the Senate for a new engine house in the southwestern section; appropriates \$22,000, as proposed by the Senate, for a new truck house in the southeastern section, and authorizes the diversion of an unexpended balance of an appropriation for completing a stable on North Carolina avenue.

On Nos. 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, and 192, all relating to the health department: Provides for an inspector and deputy health officer at \$1,800, instead of an inspector at \$1,200; increases the compensation of the chemist from \$1,600 to \$1,800; increases the compensation of the chief clerk and deputy health officer from \$1,800 to \$2,200; provides for 2 additional sanitary and food inspectors at \$900 each; strikes out the proposed increase in the salaries of 1 veterinary surgeon from \$1,200 to \$1,500 and of 6 sanitary and food inspectors from \$900 to \$1,200, and appropriates \$1,000, instead of \$1,500, as proposed by the Senate, for traveling expenses of sanitary and food inspectors.

On Nos. 193, 194, 199, and 200, transfers the salary of the deputy marshal from the force in the care of the court-house to the police-court paragraph.

On Nos. 195 and 196: Appropriates for 10 justices of the peace at \$2,000, as proposed by the House, instead of at \$2,400 each, as proposed by the Senate.

On Nos. 197 and 198: Strikes out the provision proposed by the House that fees should not be paid to the clerk of the supreme court by the District of Columbia and fixes the compensation of the clerk of the supreme court of the District at \$4,000, as proposed by the Senate, instead of at \$3,500, as proposed by the House.

On No. 201: Appropriates for salary of the warden of the jail \$2,000, as proposed by the House, instead of \$2,250, as proposed by the Senate.

On Nos. 202, 203, and 204: Provides, as proposed by the Senate, for an additional inspector at \$720 and increases the amount for traveling expenses from \$200 to \$400 for the board of charities.

On Nos. 205, 206, 207, 208, and 209: Appropriates \$1,200, as proposed by the Senate, instead of \$1,000, as proposed by the House, for principal overseer at

the Washington Asylum and strikes out the other increases in salaries of employees of that institution proposed by the Senate.

On Nos. 210, 211, 212, 213, 214, and 215: Strikes out the increases in compensation of employees at the Reform School for Girls proposed by the Senate and the appropriation of \$5,000 for an additional building for that institution.

On Nos. 216 and 217: Strikes out the appropriation of \$5,000 proposed by the Senate for plans for a new building for the Freedmen's Hospital.

On No. 218: Strikes out the appropriation of \$25,000 proposed by the Senate for reconstructing building for the National Homeopathic Hospital.

On No. 219: Appropriates \$1,450 proposed by the Senate for protecting the Central Dispensary and Emergency Hospital from fire.

On Nos. 220, 221, and 222: Appropriates \$12,000 for the Hart Reform School, as proposed by the Senate.

On No. 223: Appropriates \$3,000, as proposed by the Senate, for completing a building for the Industrial Home School.

On No. 224: Appropriates for the National Association for the Relief of Destitute Colored Women and Children without requiring a contract to be made with the Board of Children's Guardians.

On Nos. 225 and 226: Inserts the provision proposed by the Senate with reference to the service of Government employees in the National Guard of the District of Columbia.

On No. 227: Strikes out the appropriation proposed by the Senate requiring a reduction of 10 per cent of appropriations made by the bill under certain conditions.

On Nos. 228 and 229: Strikes out the increase in the salary of the clerk in the water department from \$1,400 to \$1,600, proposed by the Senate.

On No. 230: Restores section 2 of the House bill, and inserts as section 3 a provision authorizing advances out of the General Treasury to meet any deficiency in the revenues of the District of Columbia during the fiscal year 1903.

On Nos. 231, 232, and 233: Inserts sections 4, 5, and 6 of the bill, as proposed by the Senate, with reference to the taxation of real estate and providing for taxation of personal property; both of which sections are quoted literally in the accompanying conference report, which is printed in the RECORD.

On No. 234: Makes necessary change in the numbering of a section.

The bill as finally agreed upon appropriates \$3,547,526.97, being \$550,316 more than as it passed the House, \$1,346,847 less than as it passed the Senate, \$45,257.03 more than the law for the current fiscal year, and \$2,219,971 less than the estimates of the Commissioners.

J. T. MCCLARY,
J. G. CANNON,
M. E. BENTON.

Managers on the part of the House.

CHOCTAW AND CHICKASAW INDIANS.

Mr. CURTIS submitted the following conference report, with the accompanying statement of the House conferees, to be printed in the RECORD and lie over, under the rule:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 16.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 13, 19, 20, and 21; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment and add at the end thereof the following:

"Such citizenship court shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted, and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations: *Provided*, That paragraphs 31, 32, and 33 hereof shall go into effect immediately after the passage of this act by Congress."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw nations in accordance with the tribal laws, customs, and usages on or before the date of the passage of this act by Congress;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: At the end of said amendment add the following: "all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter intended to be inserted by said amendment insert the following: "in good faith continuously resided;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter intended to be inserted by said amendment insert the following: "continuous, bona fide;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Provided, That occupants or purchasers of lots in town sites in said Choctaw and Chickasaw nations upon which no improvements have been made prior to the passage of this act by Congress shall pay the full appraised value of said lots instead of the percentage named in the Atoka agreement;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Restore the matter intended to be stricken out by said amendment and add at the end thereof the following: "Provided, however, That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial

or State organization as may exist at the time when such conveyance is made," and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Omit the word "SEC." before each paragraph number wherever it occurs and number the paragraphs consecutively; and the Senate agree to the same.

CHARLES CURTIS,
JOHN F. LACEY,
JOHN S. LITTLE,
Managers on the part of the House.
WM. M. STEWART,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

The statement is as follows:

The managers on the part of the House at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, submit the following statement in explanation of the fact of the action agreed upon and recommended in the accompanying conference report:

The House managers recede from the disagreement to the Senate amendments numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 19, 20, and 21, and agree to the same.

Amendments 1, 2, 3, 4, 5, 8, 10, 11, 12, 20, and 21 are simply changes of phraseology.

Amendment No. 9 changes the word "person," so as to make the provision apply to the Mississippi Choctaw Indians, whether of full or of mixed blood, and thus makes the provision more definite and certain.

Amendment No. 19 extends the time for the calling of a special election to ratify the agreement on the part of the Choctaws and Chickasaws from ninety days to one hundred and twenty days. The Senate recedes from amendment No. 16.

From amendments Nos. 14 and 15 the House recedes, with an amendment, thus restoring the House provisions and changing the wording of the sections, so as to require that the Mississippi Choctaws shall in good faith have resided upon the lands in the Choctaw Nation for a period of three years in order to establish their rights in said nation.

The House recedes from amendment No. 13, which is an amendment striking out the House provision making an appropriation of \$15,000 to remove the Mississippi Choctaws from Mississippi to the Indian Territory.

The House recedes from amendment No. 6, with an amendment which gives those persons whose applications have been rejected by the court the same right to appeal that is given the nation in cases decided against them.

The House recedes from its amendment No. 17, with an amendment which simply requires those persons who may hereafter make improvements upon town lands in the Indian Territory to pay the full appraised value, and the section thus amended permits persons who have heretofore made improvements upon town lots under the Atoka agreement pay simply the price provided for in said agreement. This amendment fully protects the interests of those people who have gone to the Indian Territory and expended their money in good faith in building up towns.

The House recedes from its disagreement to amendment No. 18, with an amendment which declares the purpose of Congress in regard to the Sulphur Springs referred to in said section, which is not to permanently hold the said land.

The House recedes from its disagreement to amendment No. 7, with an amendment which limits the time for the admission of intermarried whites to the rolls of the Choctaw and Chickasaw tribes to date with the passage of this act by Congress.

CHARLES CURTIS,
JOHN F. LACEY,
JOHN S. LITTLE.

NAVAL APPROPRIATION BILL.

Mr. FOSS submitted the following conference report, with the accompanying statement of the House conferees, to be printed in the RECORD and lie over, under the rule:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 13, 46, 47, 52, 56, 57, 58, 64, 77, 82, and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 25, 26, 88, and 89, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the appointment of six additional civil engineers is hereby authorized, three to be appointed during the present calendar year, and the other three in the calendar year of 1903."

And the Senate agree to the same.

Amendments numbered 37, 38, 39, and 40: That the House recede from its disagreement to the amendments of the Senate numbered 37, 38, 39, and 40, and agree to the same with an amendment as follows: In lieu of the amended paragraph (being lines 18, 19, 20, and 21, on page 33 of the bill) and of the amendments insert the following:

"Navy-yard, Charleston, S. C.: Stone and concrete dry dock (toward completion), \$250,000; *Provided*, That the amount authorized in the act of June 7, 1900, to be expended for the purchase of a site for a naval station at or in the vicinity of Charleston, S. C. from the appropriation for a new naval station and a dock be increased from \$100,000 to \$106,000, and \$6,000 are hereby appropriated; office building for the commandant, \$23,000; quarters for the commandant, \$12,000; quarters for civil engineer, \$7,500; landing and wharves, \$50,000; grading and drainage, \$10,000; workshop (to cost \$80,000), \$50,000; storehouse and storekeeper's office, \$50,000; equipment building (to cost \$125,000), \$82,500; machine shop for steam engineering (to cost \$174,000), \$80,000; foundry and copper shop for steam engineering (to cost \$118,000), \$60,000; power house (to cost \$50,000), \$25,000; workshop for ordnance, \$40,500; ship fitters' shop, with mold loft and furnace shed, for construction and repair (to cost \$200,000), \$50,000; power house and fuel storage for construction and repair (to cost \$80,000), \$35,000; machine shop for construction and repair (to cost \$120,000), \$40,000; joiner shop for construction and repair (to cost \$120,000), \$30,000; foundry for construction and repair (to cost \$75,000), \$20,000; in all, navy-yard, Charleston, \$913,900.

"In all cases where buildings and structures are provided for in this act

and where appropriations in full are not made for the same, authority is hereby given to the Secretary of the Navy, in his discretion, to enter into contracts for the entire construction of such buildings and structures, within the limit of cost as fixed in this act."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "\$7,649,325;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That in addition to the number of naval constructors and assistant naval constructors now authorized, the appointment of six assistant naval constructors is hereby authorized, two to be appointed during the present calendar year, and the remaining four in the calendar year of 1903."

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That, until the year 1914, in addition to the naval cadets now authorized by law (the title having been changed by this act to midshipmen), the President shall appoint five midshipmen, and there shall be appointed from the States at large, upon the recommendation of Senators, two midshipmen for each State."

And the Senate agree to the same.

On amendment numbered 91 the committee of conference have been unable to agree.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.
EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, viz:

On No. 1: Strikes out the increase in the amount of appropriation for pay of the Navy, as proposed by the Senate.

On Nos. 7 and 13: Places the provision "maintenance of colliers" under the Bureau of Navigation.

On No. 9: Reappropriates the unexpended balances remaining in the Treasury June 30, 1902, from the appropriation for "Ordnance and ordnance stores," 1900, or so much thereof as may be necessary, for expenditure in the fulfillment of contracts heretofore made and properly chargeable to such appropriation.

On No. 24: Provides that the corps of civil engineers shall be increased by six civil engineers, three to be appointed the present calendar year and three the following year.

On Nos. 25 and 26: Appropriates \$500 for making an examination concerning the furnishing water supply of Portsmouth Navy-Yard, and an appropriation of \$200,000 toward the removal of Hendersons Point, near said navy-yard.

On Nos. 37, 38, 39, and 40: Appropriates \$663,900 additional for the development of the navy-yard at Charleston, S. C., as more fully appears in conference report above.

On No. 43: Increases the totals in appropriations for public works by the amounts agreed to in conference, as proposed by the Senate.

On No. 46: Strikes out the appropriation of \$100,000 for the construction of a building for Bureau of Equipment at Pensacola Navy-Yard, proposed by the Senate.

On No. 47: Strikes out the increase in the appropriation for public works, Bureau of Ordnance, as proposed by the Senate.

On No. 52: Strikes out the provision for an increase in the corps of surgeons.

On No. 56: Strikes out appropriation of \$2,000 for one bookkeeper and one clerk at Pensacola Navy-Yard, as proposed by the Senate.

On No. 57: Strikes out the increase in total appropriations for civil establishment, Bureau of Supplies and Accounts, as proposed by the Senate.

On No. 58: Strikes out provision for increase in the Pay Corps, as proposed by the Senate.

On No. 61: Provides that the corps of naval constructors shall be increased by 6 naval constructors; two to be appointed the present calendar year and 4 the following year.

On No. 64: Strikes out the appropriation of \$200,000 for an experimental station and testing laboratory at Annapolis, proposed by the Senate.

On No. 76: Increases the corps of midshipmen by providing that until the year 1914, in addition to the naval cadets now authorized by law (the title having been changed by this act to midshipmen), the President shall appoint five midshipmen, and there shall be appointed from the States at large, upon the recommendation of Senators, two midshipmen for each State.

On No. 77: Strikes out the provision authorizing all examinations for admission to the Naval Academy to be held at Annapolis, as provided by the Senate.

On No. 88: Appropriates \$1,500 for improvements at the Marine Barracks, navy-yard, Boston, as proposed by the Senate.

On No. 89: Changes the amount of total appropriations for public works in accordance with the above.

On No. 92: Strikes out the provision for five more Holland submarine boats, as provided by the Senate.

On No. 93: Strikes out the provision for the testing and purchasing of submarine boats other than that of the Holland type.

The committee of conference have been unable to agree on the following amendment:

On No. 91, as to "increase of the Navy" and the method of construction of new ships authorized, whether they shall be built by contract or some in the Government navy-yards, or the whole subject be left within the discretion of the Secretary of the Navy.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

ELECTION CONTEST—HORTON AGAINST BUTLER.

Mr. BARTHOLDT. Mr. Speaker, in the spring of 1901 I wired the governor of Missouri from Republican headquarters at St. Louis: "This city is in the hands of a ballot-box stuffing mob," and then went on to say that he would be held responsible, etc. This relates to the spring election, an exact duplicate of the fall election of 1900. Let me say right here that the citizens of St. Louis, not to speak of the Republicans at all, have no more control over their own elections than they have over the affairs of Afghanistan, for the reason that the governor of the State, under Democratic law, appoints the election board, and is thus placed in almost absolute control, by a cunningly devised machinery, of all our elections.

Hence the governor's responsibility, to which I have just referred. I was prompted to send that message to the governor on the morning of the day of election by reports coming to headquarters from half a dozen wards in the central portion of the city that bands of Democratic repeaters were being driven in wagon loads from one polling place to the other, and were voting again and again by means of slips furnished them by someone on the inside. These reports proved to be true, although at that time we had no idea of the extent of the crimes which were being committed against the ballot. There were a number of hot-headed young fellows at Republican headquarters who in wrathful indignation demanded that fraud be met by force. We succeeded in pacifying them by sending the dispatch I just referred to and by pointing to the courts as our remedy. How bitterly we were disappointed in this is now a matter of history.

The reply from Jefferson City was that the governor was not at home, and when we appealed to the courts we were told by the tribunal of last resort, the State supreme court, that the ballot boxes could not be opened, because the secrecy of the ballot must not be interfered with. This decision, effectually nailing up the ballot boxes, was handed down just in time to prevent the frauds and criminal secrets of the ballot boxes from being revealed. It gladdened the hearts, if they have any, of the perpetrators of these election outrages, but it filled with righteous indignation every honest man who loves his country and believes in the political rights guaranteed by its institutions.

As an American citizen I believe there is a redress under our political skies for every wrong. Therefore I appear before the bar of public opinion, and, on behalf of an outraged constituency, which in this instance is a vast majority of the people of Missouri, confidently lay our case before this House and the country. It is our last recourse. All other means of redress being denied us, we propose to arouse the public conscience by laying the facts before the highest authority, and then this fall we shall appeal to that authority, the people themselves, for a verdict upon that issue alone. [Applause.]

Mr. CLAYTON. From what publication or document has the gentleman been reading?

Mr. BARTHOLDT. I decline to answer such a question.

Mr. GROSVENOR. Will the gentleman allow me to ask him one question?

Mr. BARTHOLDT. I will, with pleasure.

Mr. GROSVENOR. It is stated as an historical fact—I should like to have your statement in regard to it—that the Republican party in the State of Missouri gave Mr. McKinley 48 per cent of the popular vote of that State at the election of 1900.

Mr. BARTHOLDT. Yes, between 47 and 48 per cent.

Mr. GROSVENOR. It is further reported that the present apportionment law adopted by a Democratic legislature is so arranged that the Republicans will have 1 representative out of 16. Is that correct?

Mr. BARTHOLDT. The districts are so gerrymandered that it is the intention of the Democrats to take 15 and graciously yield us 1.

Mr. GROSVENOR. That is all I wanted to know.

Mr. BOWIE. I would like the gentleman from Ohio to answer me a question.

Mr. GROSVENOR. Very well.

Mr. BOWIE. Does the gentleman think that that has anything to do with this case?

Mr. GROSVENOR. Yes.

Mr. BOWIE. How?

Mr. GROSVENOR. As raising a presumption, at least, that a similar policy has been followed in other matters.

Mr. BOWIE. Then you think that because the Democrats may have done something they ought not to have done, you ought to go to work and do the same?

Mr. GROSVENOR. Oh, no; the only object is to show how your party is influenced in other things.

Mr. BARTHOLDT. Mr. Speaker, I wish to say that I prefer not to be interrupted. I intend to present my argument logically, and I believe that any question which gentlemen may feel inclined to ask will be answered in the course of my remarks.

The SPEAKER. The Chair will protect the gentleman from interruption.

Mr. BARTHOLDT. Mr. Speaker, St. Louis is a Republican city by a large majority. In 1896 McKinley carried it by 15,000. Then came the Nesbit law, and the Republican majorities went glimmering. They had disappeared as if by magic. The same as the contestee in the case now under discussion, there are many Democrats now holding offices in St. Louis to which they have no title. At two succeeding elections every Republican candidate was slaughtered by the infamous methods which I have just described. But when we instituted contests and proceeded to prove that the incumbents were not legally elected, a partisan supreme court stopped us on the way to the ballot boxes and told us in as many words that, no matter how much evidence of fraud they may contain, these boxes must not be opened because the secrecy of the ballot would thus be violated.

This ended the contests, of course. We had exhausted our efforts to vindicate justice and the sanctity of the franchise. There was general indignation among the people who still cherish these things—treasures without which our republican form of government would be but an empty word—but they were scoffed at and derided on account of their very impotence. There remained one consolation, the fact that Congress could pass upon the election in the Twelfth district. Hundreds of public-spirited citizens came immediately to the front, offering their mites for the institution of a contest, and even if I attempted to describe it I could give you but a faint idea of the sacrifices made and the sum total of time, energy, and money expended to unearth the frauds and gather the evidence in this case.

In this connection let me ask the question: Is there another State in this great Union of ours where the only method by which election frauds may be detected is prohibited? There is none. Missouri alone enjoys that unenviable distinction. And do you not agree with me, Mr. Speaker, that there ought to be a change; that this alone should be the strongest possible inducement to the voters toousthe party which is responsible for such a humiliating condition? And if you will bear with me, I will show you that it is not partisanship which dictates these sentiments.

The demand for honest elections is certainly not a partisan demand. If it were, the party opposing it would never see daylight again. It would be an insult to the honest Democrats of Missouri to assume that they would less vigorously denounce and repudiate election frauds than the honest Republicans do. There may be a difference in the intensity of feeling, and there may be those who are disinclined to accept proof of fraud and corruption against their own party, but if a party once stands convicted of fraud, by positive and incontrovertible evidence, and the knowledge of it becomes public property, then that party's doom is sealed.

The reason is that the American people are instinctively for fair play, and this instinct is much stronger than partisanship. Moreover, no true American will stand idly by while the fountainheads of popular government are being poisoned. He will protest and will make common cause with anybody or any party to protect his priceless heritage. Upon this, Mr. Speaker, are founded our hopes in Missouri. [Applause on the Republican side]

I said "positive and incontrovertible evidence of fraud and corruption." This has been adduced in bulk in the Horton-Butler contest now under discussion. It fills three thick volumes.

Nothing that I can say could add to the force of the indictment contained in the majority report of the committee. That report is a masterly array, in a nutshell, of all the intricacies of the case, and for it the honorable chairman of the committee, the distinguished gentleman from Ohio [Mr. TAYLER] is entitled to the highest commendation. His conscientious labors and those of his able coworkers on the committee are nowhere more appreciated I assure them, than in St. Louis and Missouri.

If partisanship instead of a sense of exact justice had actuated them they would have reported in favor of seating the Republican contestant. We should have been glad if they had reached such a conclusion, but we accept their decision that no valid election was held in the Twelfth district, as the just verdict of an unbiased, fair-minded jury. I have not the time to go into details, nor shall I rehash the facts and arguments which have already been so ably and well presented by the gentlemen who preceded me. But for a better understanding of the case it is necessary that I call attention to some of the more glaring features of that election, or of what is dignified by that name.

In 1898 the total Republican and Democratic vote in the district was 28,299. In 1900 it was 40,655, an increase of 12,346 in two years, while in the adjoining district, which I have the honor to represent and which has a much larger population, the increase was but 9,000 votes. This plainly shows the padding of the vote, but the fraud will become still more apparent when you compare the relative increase in the party vote. While in the Butler district the Democratic increase was over 9,000,

namely, 9,115, as against a Republican increase of but 3,241; in my district the increase in the vote of the two parties was almost exactly the same—about 4,500. And the same is true in the other adjoining district, the one so ably represented by my colleague, Mr. JOY. There, too, the corresponding increase in the Republican and Democratic vote is about even, namely, 7,700 in one case and 7,300 in the other. Why this discrepancy? Mr. JOY was elected by 2,600 plurality in 1898 and by 2,700 in 1900. I was elected by 6,500 plurality in 1898 and by 6,400 in 1900. These are the two adjoining districts. But in the Butler district the Republican plurality of 2,300 was completely wiped out and a Democratic plurality of 3,553 returned, a difference of nearly 6,000 votes! It is claimed that there were certain causes militating against the Republican ticket; but if this were true, surely the same causes would have operated in all districts alike, because all three are in the city of St. Louis.

This, however, is not the case, as I have already shown. To explain the abnormal Democratic increase in the Twelfth district the claim is set up in the minority report that many Republicans voted for the Democratic candidate because they did not like their own. The figures do not bear out this assertion. In 1898 Major Pearce, an exceptionally popular candidate, received 15,310 votes in this district, while in 1900 Mr. Horton received 18,551, a healthy and natural increase due to the Presidential election. The fact is that whatever losses contestant may have suffered on personal grounds were more than made up by gains caused by Democratic objections to contestee. Thus the abnormal increase in the Democratic vote remains unexplained except on the theory that gigantic frauds were perpetrated.

Circumstantial evidence, you say? Yes; but hundreds of citizens have seen these frauds perpetrated with their own eyes. They have seen the repeaters as they were driven in wagonloads from polling place to polling place; they have seen them enter; they have seen the doors closed behind them, and they have seen them emerge after their nefarious work was done. In many places they saw how the Republican challengers and judges and clerks were ejected, and they saw how all this was done under the very eyes, with the connivance of and in some cases under the protection of the police.

This is not circumstantial evidence, but what I have just recited are stubborn facts which the minority of the committee by no amount of sophistry can explain away. There were about seventy-five to a hundred of those repeaters or "Indians," as they are called in slander of our aborigines. On election day they were divided in smaller bands, and, each under the leadership of a chief, sent out to do the work for which they had been hired. The preparations for these election crimes had been so openly and boldly carried on that weeks in advance the Republican leaders were fully advised of the plans of the Democratic bosses.

We knew that the registration lists had been padded with thousands of fraudulent names, and that each one of those names was to be voted. They were registered in large numbers from stables, saloons, coal yards, bawdy houses, and vacant lots. From the stables of the Excelsior Hauling Company—an enterprise controlled by Edward Butler, contestee's father—97 men were registered, though it is a notorious fact that not more than two or three men usually live there. To what extent fraudulent registration has been carried on was shown later when 19,000 names were dropped from the voters' lists.

We were advised, I repeat it, of every detail of the scheme to steal the election, but under the circumstances the Republicans were well-nigh helpless. The election machinery and the police organization were completely under the domination of the Democratic party. Should the Republicans resort to force to prevent the perpetration of the frauds? Fortunately, calmer councils prevailed, and as the only alternative left this plan was finally agreed upon: That registered letters be addressed to those suspected of false registration, and warrants be issued against all the persons who could not thus be found.

These warrants were to be placed in the hands of deputy sheriffs to be specially appointed for that purpose. It was an honest and perfectly legal plan to prevent crime. Of course but a small percentage of the 1,500 registered letters which were sent out could be delivered, but when the deputy sheriffs on the morning of the election presented themselves at the polls with their warrants, they were told by the police to move on. A State law, which provides that no electioneering shall be permitted within 100 feet of the polls, was enforced by the police even against the officers of the law, in which capacity the deputy sheriffs undoubtedly acted.

Under these circumstances no arrests could be made, because a fraudulent voter could be identified only when inside of the poll he would announce his alleged name. Had the presence of a deputy sheriff been permitted, he would have immediately arrested his man, and probably the whole conspiracy would have been nipped in the bud. It was for this reason that, as a result of a

dark-lantern conference at the Southern Hotel, orders were issued to the police to keep the deputy sheriffs away from the polls. These orders were carried out to the letter at each polling place. Thus the last obstacle to the boldly arranged orgies of fraud was swept away and a new chapter was added to the election history of fair St. Louis which brings the blush of shame and indignation to the cheek of every good citizen, irrespective of party affiliation.

Do not imagine, as evidently the conspirators did, that the public conscience of St. Louis was dead or paralyzed. On the contrary, never in my life did I see it more thoroughly aroused. Every avenue of lawful redress being closed, there was wild talk of violence in every precinct of the district and city.

"Yes, there's a limit to the despot's power!
When the oppressed looks round in vain for justice,
When his sore burden may no more be borne,
With fearless heart he makes appeal to Heaven,
And thence brings down his everlasting rights,
Which there abide, inalienably his,
And indestructible as are the stars," etc.

In these words of the poet can best be described what was uppermost in the minds of the people. Riots and bloodshed were fortunately averted, as I said before, but for this the Democratic bosses can claim no part of the credit. In view of the wrongs and outrages committed against the Republicans at that election, how absurd and ridiculous is the assertion made in the minority report that the Democratic leaders had met at the Southern Hotel "to discuss and consider"—I follow the language of the report—"what rights the Democratic party had left in St. Louis, if any."

It reminds me of the wolf in the fable who accuses the lamb of muddying the water, though the wolf was standing upstream and the lamb way down. It is adding insult to injury. It is like accusing a man of assault and battery who lies flat on his back, tied hand and foot. The rights and privileges which the Republicans of St. Louis enjoyed in the management of campaigns, insignificant as they always had been, were taken away from them by the Nesbit law, an instrument specially designed for that purpose.

Let me tell you something about that law. It is as neat a piece of partisan legislation as has ever been brought to the notice of this House or the country. It applies to St. Louis alone. The reason for this is that the great metropolis of the Mississippi Valley, abreast with the best sentiment of the country, had dared to give McKinley 15,000 majority, while most of the rural districts of Missouri had rolled up their old-time Democratic majorities. This was bitter, so the bosses went to the legislature and asked that St. Louis be made Democratic by law.

Troubled by their consciences and afraid of public opinion, some of the Democratic members balked, but they were finally whipped into line. The Nesbit law was passed, and it was a great moment, because from the birth of Nesbitism dates the decadence of the Missouri Democracy. It was giving notice to all the people of the State that Democratic majorities are no longer the natural expressions of public opinion, but must henceforth be manufactured by artificial devices. You see? But what are the provisions of the law?

Well, the governor appoints three election commissioners, not four, as in some Republican States, so that two might be appointed for each party; oh, no; only three—two Democrats and one Republican, and the Republican, too, is one of his own choosing. No matter how good a man the representative of the minority party may be, you know that a pair always beats ace high. That is the secret of the law. The rest is easy. The commissioners have complete charge of the registration, locate the polling places, and appoint the judges and clerks of election.

It is true that the Republican judges and clerks shall be recommended by the city central committee of that party, the same as the Democratic election officials, but there is no provision to prevent the commissioners from arbitrarily substituting other names for those recommended by the party committees. Wholesale substitutions of this kind were made in the Twelfth district. According to the law these substitutes should have been Republicans, but what party they really belonged to was shown when the ballots were examined. Fifty-four of these alleged Republicans voted the Democratic ticket outright, three scratched Horton, and three voted for the third party candidate.

Here we have the reason, too, why the election law of 1895, the passage of which had been forced through the legislature by public opinion and a Republican lower house, was supplanted by the partisan measure I am just discussing. It is because under the old law Republican judges and clerks were sure to be appointed. Why, this gave the Republicans an equal chance at the polls, therefore would never do! Under these circumstances do you blame the Republicans of St. Louis for looking to Congress for relief, for urging you first, that the fraudulent results of such election methods be not recognized, and second, that the United States Government throw such safeguards around Congressional elections as to render a repetition of such outrages impossible?

Permit me to quote the expressions of the recent State convention of the Republicans of Missouri on this question. I insert them here:

The fundamental doctrines of an honest ballot and a fair count compel the earnest attention and demand the unselfish support of every elector of the State, irrespective of former political affiliations, because at present, by virtue of unfair and partisan laws passed by the Democratic legislature and signed by a Democratic governor, in the three great commercial centers, namely, in St. Louis, Kansas City, and St. Joseph, the whole matter of registration of all voters and the conduct of all elections for local as well as State officers is in the exclusive power of boards selected by the governor, without the consent of the local authorities or their people, and without such safeguards as will insure a fair expression of the voters' will.

The partisan and infamous administration of the Nesbit law for St. Louis in two elections has operated so successfully as to return the election of candidates who received a minority of the votes cast, and their title to office was validated by a decision of a supreme court to the effect that the constitutional provisions authorizing election contests was no longer applicable to protect the honesty of the ballot in that community.

We declare that in violation of these principles of self-government and in contravention of the letter and spirit of the constitution, in order to keep in power politicians without sanction of a majority of the voters, numerous laws from time to time have been enacted by the Democratic legislature and sustained by decisions of the supreme court which vests in the governor the sole authority to appoint various boards and officers with unlimited power over the local affairs and municipal revenues of the cities of St. Louis, Kansas City, and St. Joseph, without the voice or consent of the local authorities or their people.

We declare that all cities and towns in the State should be self-governed, with full authority to select and control their local boards and officers, levy and collect all taxes and charges for local purposes and distribute them as they please and be alone responsible for the local administration, unhampered and unrestrained by the legislation of the State, and to this end we pledge our support to such necessary amendments to the constitution as can not be nullified and construed away by our supreme court.

The platform adopted by the Congressional convention which recently honored me with a renomination contains the following plank, to wit:

We denounce the Democratic party of this State for the passage of iniquitous election and police laws, enacted to prevent a fair expression of the will of the people, and we invite all good citizens, irrespective of party, to join with us for the purpose of correcting this crying evil and of reestablishing a republican form of government in Missouri, such as will guarantee an honest election and a fair count. The efforts of our Representatives in Congress in behalf of a Federal election law have our hearty approval.

"And we invite all good citizens, irrespective of party, to join with us for the purpose of reestablishing a republican form of government in Missouri." This means that what the Constitution of the United States guarantees to every State does not now exist in Missouri. A rather broad assertion, is it not? And yet it is literally true! Does the man, I ask you, who comes to the polling place and finds that his name has already been voted enjoy a republican form of government?

Or does the community enjoy it in which one party, by means of a partisan State law, turns a minority into a majority? Or where repeaters are employed to stifle the popular will? I ask the constitutional lawyers on the other side of the House. They will also be interested to learn of a decision of our State supreme court to the effect that a repeater shall go scot free if he votes a fictitious name fraudulently placed on the registration lists. How will you reconcile such a decision with public morals and constitutional guaranties? Is there a spot in the wide world where the judiciary has stooped so low in order to gain a partisan advantage or to save a follower of its party from the penitentiary?

The minority say in their report that the House of Representatives has no right to annul or set aside the laws of a sovereign State, and this, by the way, is the only defense they wisely attempt of the Nesbit law and its fraudulent results, if it is a defense at all. That assertion is true, of course. They might have gone further and denied the right of Congress to question a decision of the Missouri State supreme court. Certainly there is no such power vested in this body, and no one claims there is. The majority of the committee do not base their findings upon the State law, but upon the facts.

They do not propose to annul the election because of a partisan law which makes fraud possible, but because of the frauds which were actually committed under it. Incidentally, though properly, they call attention to that iniquitous law and to the Democratic methods of its enforcement. We may have no right here to change State laws and decisions, destructive though they are of the people's rights and liberties, but we have the right to cry out against the wrongs inflicted upon us, and in asking redress, incidentally tell the country how Democratic victories in Missouri are to be accounted for. They may not permit our votes to be counted at home, but they can not gag us here. [Applause.]

Mr. TAYLER of Ohio (before the remarks of Mr. BARTHOLDT were concluded). Will the gentleman yield for a motion to adjourn?

Mr. BARTHOLDT. Yes, sir; as the hour is late, I prefer to conclude in the morning.

The SPEAKER. The gentleman from Missouri reserves the balance of his time.

MONUMENT TO PRISON-SHIP MARTYRS.

The SPEAKER. If the gentleman from Ohio [Mr. TAYLER] will withhold the motion to adjourn for a moment—

Mr. TAYLER of Ohio. I will do so.

The SPEAKER. The Chair will lay before the House Senate amendments to House joint resolution No. 6.

The amendments to the joint resolution (H. J. Res. 6) in relation to a monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., were read, and, on motion of Mr. McCLELLAN, concurred in.

On motion of Mr. McCLELLAN, a motion to reconsider the vote by which the amendments were concurred in was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 3519. An act granting an increase of pension to John Marble;

H. J. Res. 103. Joint resolution relative to the disposition of patent specification and drawing in the western district of Pennsylvania;

H. R. 11019. An act directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service;

H. R. 12097. An act to amend the internal-revenue laws in regard to storekeepers and gaugers;

H. R. 9308. An act granting an increase of pension to Edwin P. Johnson;

H. R. 10964. An act granting an increase of pension to Francis M. Beebe;

H. R. 2978. An act for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons;

H. R. 8327. An act to amend an act entitled "An act for the protection of the lives of miners in the Territories;"

H. R. 6005. An act granting a pension to James A. Chalfant;

H. R. 14247. An act to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina;

H. R. 12056. An act granting an increase of pension to Warren C. Plummer;

H. R. 10856. An act granting a pension to Jacob Findley;

H. R. 9187. An act granting an increase of pension to Caroline A. Hammond;

H. R. 13598. An act granting a pension to John J. Southerland;

H. R. 13123. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;

H. R. 14182. An act granting an increase of pension to Susan B. Lynch;

H. R. 12804. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903;

H. R. 2641. An act for the relief of Albion M. Christie;

H. R. 6570. An act to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps; and

H. R. 3110. An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. R. 111. Joint resolution limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture;

S. R. 103. Joint resolution providing for the binding and distribution of public documents held in the custody of the Superintendent of Documents, unbound, upon orders of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printing;

S. 4450. An act confirming in the State of South Dakota title to section of land heretofore granted to said State;

S. 5434. An act to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city; and

S. 4776. An act to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 1456. An act granting a pension to William G. Miller;

H. R. 14208. An act granting an increase of pension to Alexander Murdock;

H. R. 14206. An act granting a pension to Mary J. Moore;

H. R. 14042. An act granting an increase of pension to George W. Edgington;
 H. R. 14656. An act granting an increase of pension to Charles A. Scott;
 H. R. 4170. An act granting an increase of pension to Henry P. Macloon;
 H. R. 8769. An act for the relief of S. J. Bayard Schindel;
 H. R. 8108. An act for the relief of John Hornick;
 H. R. 6031. An act authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;
 H. R. 6009. An act granting a pension to Absolum Maynard;
 H. R. 621. An act for the relief of Daniel Cherry;
 H. R. 14802. An act for the purchase of real estate for revenue and customs purposes at Wilmington, N. C.;
 H. R. 2066. An act to change the terms of the district court for the eastern district of Pennsylvania;
 H. R. 8840. An act granting an increase of pension to John H. Lauchly;
 H. R. 2063. An act amending an act creating the middle district of Pennsylvania;
 H. R. 10178. An act granting an increase of pension to Daniel Thomas;
 H. R. 6871. An act granting an increase of pension to Harman Scramlin;
 H. R. 3323. An act granting a pension to Daniel L. Mallicoat;
 H. R. 5315. An act granting an increase of pension to Orrin J. Wells;
 H. R. 3500. An act granting an increase of pension to Kate O. Phillips;
 H. R. 10933. An act to provide for the erection at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which was ordered by Congress on the 8th day of April, 1777, should be erected;
 H. R. 12507. An act granting an increase of pension to Ebenezer W. Oakley;
 H. R. 12299. An act granting a pension to William C. Roberts;
 H. R. 12648. An act to establish a regular term of United States district court in Roanoke City, Va., and for other purposes;
 H. R. 12284. An act granting an increase of pension to George W. Shaw;
 H. R. 14691. An act to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa;
 H. R. 14111. An act to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Hariman Southern Railroad Company;
 H. R. 14221. An act granting an increase of pension to Nancy J. McArthur;
 H. R. 12800. An act granting an increase of pension to Horatio N. Whitbeck;
 H. R. 4556. An act to amend an act entitled "An act to supplement existing laws relating to the disposition of lands," etc., approved March 3, 1901;
 H. R. 13650. An act to correct the military record of James M. Olmstead;
 H. R. 10279. An act to pay the claim of Stephen B. Halsey;
 H. R. 12205. An act to provide for circuit and district courts of the United States at Valdosta, Ga.; and
 H. R. 13676. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 124. Joint resolution to provide for the printing of the memorial address on the life and character of William McKinley, late President of the United States, by the Hon. John Hay, before the two Houses of Congress—to the Committee on Printing.

S. R. 127. Joint resolution authorizing the loan of plans and drawings of park improvements of the District of Columbia—to the Committee on the Library.

S. R. 123. Joint resolution for the relief of Naval Cadet William Victor Tomb, United States Navy—to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
 To Mr. STEVENS of Minnesota, for five days, on account of important business.

To Mr. THOMAS of North Carolina, for five days, on account of important business.

MILITIA.

Mr. DICK. I ask unanimous consent that immediately after the pending election case is disposed of, the bill (H. R. 11654) to

promote the efficiency of the Army, be taken up in the House and be a continuing order until disposed of, not to interfere with conference reports or motions to suspend the rules.

Mr. RICHARDSON of Tennessee. I do not understand that this request is made with the concurrence of the minority of the committee, and for the present I shall have to object.

Mr. DICK. I will say to the gentleman that the proposition has the unanimous concurrence of the minority members of the committee. The report is unanimously signed.

Mr. RICHARDSON of Tennessee. I suggest to the gentleman to withhold this matter until to-morrow morning. We can not get through the election case until 2 or 3 o'clock to-morrow, and there will be ample time meanwhile to confer with the minority of the committee. If they assent, I shall make no objection.

Mr. DICK. Very well.

Mr. TAYLER of Ohio. I renew the motion to adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred, as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Philip M. Buckley, administrator of estate of Philip J. Buckley against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVIS of Florida, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6119) to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River, in Wilcox County, in the State of Alabama, reported the same without amendment, accompanied by a report (No. 2705); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15270) to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.," reported the same without amendment, accompanied by a report (No. 2706); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6070) to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route, reported the same without amendment, accompanied by a report (No. 2707); which said bill and report were referred to the House Calendar.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 215) regulating the duties and fixing the compensation of the customs inspectors at the port of New York, reported the same without amendment, accompanied by a report (No. 2708); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, reported the bill of the House (H. R. 15289) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes, as a substitute in lieu of H. R. 13392, accompanied by a report (No. 2713); which said bill and report were referred to the House Calendar.

Mr. TAWNEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888, reported the same with amendment, accompanied by a report (No. 2714); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DICK, from the Committee on Military Affairs, to which

was referred the bill of the Senate (S. 4426) to authorize the Secretary of War to loan arms to the institutions having companies of the Boys' Brigade connected therewith, reported the same without amendment, accompanied by a report (No. 2715); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 14379) for the erection of a memorial building or monument at Fort Recovery, Ohio, reported the same with amendments, accompanied by a report (No. 2718); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WATSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3791) to provide suitable medals for the officers and crew of the United States vessel of war *Kearsarge*, reported the same without amendment, accompanied by a report (No. 2721); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of New Jersey, from the Committee on Labor, to which was referred the bill of the House (H. R. 15157) to authorize the appointment of boards of investigation and arbitration, and to define their powers and duties, reported the same with amendments, accompanied by a report (No. 2722); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8132) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn, reported the same without amendment, accompanied by a report (No. 2709); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 661) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers, reported the same without amendment, accompanied by a report (No. 2716); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 917) for the relief of Henry Cook, reported the same with amendment, accompanied by a report (No. 2717); which said bill and report were referred to the Private Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 4083) for the relief of Surg. John F. Bransford, United States Navy, reported the same without amendment, accompanied by a report (No. 2719); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3317) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander, reported the same without amendment, accompanied by a report (No. 2720); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PEARRE (by request): A bill (H. R. 15286) to revise, equalize, fix, and adjust special assessments levied for street extension benefits in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 15287) to amend an act relating to the removal of timber and stone from the Indian Territory—to the Committee on Indian Affairs.

By Mr. LACEY: A bill (H. R. 15288) relating to proofs in homestead and other claims to public lands and punishing false swearing therein, and for other purposes—to the Committee on the Public Lands.

By Mr. BABCOCK, from the Committee on the District of Columbia: A bill (H. R. 15289) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes, as a substitute for H. R. 13392—to the House Calendar.

By Mr. GOLDFOGLE: A bill (H. R. 15294) authorizing attorneys and counselors duly admitted to the Supreme Court of the

United States to appear and practice in all the district and circuit courts of the United States—to the Committee on the Judiciary.

Also, a resolution (H. Res. 320) relating to the consideration of H. J. Res. 198—to the Committee on Rules.

By Mr. GIBSON: A resolution (H. Res. 321) referring House bills Nos. 2744, 2747, 3801, 3918, 3920, 4780, 4781, 6973, 7260, 7262, 7550, and 8222 to the Court of Claims—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOWERSOCK: A bill (H. R. 15290) granting an increase of pension to John T. Collins—to the Committee on Invalid Pensions.

By Mr. BURK of Pennsylvania: A bill (H. R. 15291) granting a pension to Patrick W. O'Donnell—to the Committee on Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 15292) granting a pension to Harry Hirschensohn—to the Committee on Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 15293) for the relief of Joseph Flewhart—to the Committee on War Claims.

By Mr. JOY: A bill (H. R. 15295) granting an increase of pension to John Ford Smith—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15296) to remove the charge of desertion and correct the military record of Isaac B. Goforth—to the Committee on Military Affairs.

By Mr. SMITH of Iowa: A bill (H. R. 15297) to correct the military record of William Vickory—to the Committee on Military Affairs.

Also, a bill (H. R. 15298) for the relief of C. A. Berry—to the Committee on Claims.

By Mr. JONES of Virginia: A bill (H. R. 15299) granting an increase of pension to Henrietta V. West—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15300) granting a pension to Delania Preston, widow of William G. Preston—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 15301) for the relief of W. P. Lane, administrator of W. K. Lane—to the Committee on War Claims.

By Mr. MEYER of Louisiana: A bill (H. R. 15302) to remove the charge of desertion against Charles H. Vogt—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. BALL of Delaware: Papers to accompany House bill No. 11531, for the relief of Georgiana McNott—to the Committee on Military Affairs.

Also, paper to accompany House bill 7967, granting a pension to Robert Kelly—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10982, granting an increase of pension to John T. Lungren—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9978, granting a pension to Columbus Robey—to the Committee on Invalid Pensions.

By Mr. BATES: Papers to accompany House bill granting an increase of pension to Henry Tryon—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: Resolution of the Israelite Alliance of America relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. DICK: Petition of Mrs. E. S. Sherer and 728 other citizens of Cuyahoga Falls, Ohio, and vicinity, for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

Also, resolutions of Order of Railway Telegraphers, Ashtabula Division, No. 36; Brotherhood of Railroad Trainmen, Lake Shore Lodge, No. 84, and Team Drivers' Union, all of Ashtabula, Ohio; Journeymen Stonecutters' Union and Retail Clerks' Union, both of Akron, Ohio, favoring the restriction of immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

Also, petition of East Plymouth Grange, No. 1548, Patrons of Husbandry, East Plymouth, Ohio, opposing the branch banking bill—to the Committee on Banking and Currency.

Also, petition of Journeymen Stonecutters' Union, No. 4, of Akron, Ohio, urging the use of the Cleveland sandstone in the Federal building to be erected in Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

Also, petition of Taplin, Rice & Co., Akron, Ohio, urging the policy of protection to American industries in reciprocity concessions—to the Committee on Ways and Means.

Also, petition of J. W. Watrous and 5 others of Ashtabula, Ohio, favoring House bill 5286, providing for the classification of the salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the First National Bank of Warren, Ohio, for the repeal of the internal-revenue tax on bank capital and surplus—to the Committee on Ways and Means.

Also, petition of saloon and hotel keepers of Conneaut, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of James E. Shallenberger, of Piqua, Ohio, in relation to House bill to retire officers in the Regular Army—to the Committee on Military Affairs.

Also, resolutions of Eadie Post, No. 37, of Cuyahoga Falls, Ohio, Grand Army of the Republic, favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Hod Carriers' Union No. 8773, of Akron, Ohio, in regard to employees in navy-yards—to the Committee on Naval Affairs.

Also, resolution of the same union for the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DRAPER: Resolutions of a meeting of citizens of New York, in relation to the attitude of the Russian Government toward American citizens entering its territory—to the Committee on Foreign Affairs.

By Mr. ESCH: Resolution of the Israelite Alliance of America, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. FOERDERER: Resolution of Israelite Alliance of America, of New York City, approving the action taken by the House of Representatives as to the attitude of the Russian Government toward American citizens of Jewish birth attempting to enter its territory—to the Committee on Foreign Affairs.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. GOLDFOGLE: Protest of the Wine, Liquor, and Beer Dealers' Association of the State of New York, against the passage of House bill 14019, increasing the liquor license in the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions of West End Woman's Republican Association; United Garment Workers of America, and Electrical Workers' Union No. 3, of New York, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Resolution of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. GRAFF: Petition of retail druggists of Peoria, Ill., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Engineers and Firemen's Union of Jersey City, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Virginia: Papers to accompany House bill granting an increase of pension to Henrietta V. West—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolution of Israelite Alliance of America asking relief from Russian hostile action against the Jews—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Resolution of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. MERCER: Papers to accompany House bill No. 15261 granting an increase of pension to Louis Lowry—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: Paper to accompany House bill to correct the military record of Charles H. Vogt—to the Committee on Military Affairs.

Also, resolution of the Louisiana Bar Association in opposition to the adoption of Senate bill 5383, requiring the United States circuit court of appeals for the fifth circuit to hold a session in Atlanta—to the Committee on the Judiciary.

By Mr. MOON: Petition of retail druggists of Chattanooga, Tenn., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of citizens of Montgomery County,

Md., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolution of the Israelite Alliance of America approving the action of the House in relation to the religious discrimination against American citizens by Russia—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolutions of the Israelite Alliance of America, urging the United States Government to take steps to secure from Russia a removal of the discrimination against citizens on account of religion—to the Committee on Foreign Affairs.

By Mr. SHACKLEFORD: Papers to accompany House bill granting an increase of pension to Robert D. Davis—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolutions of the Brotherhood of Locomotive Engineers No. 333, St. Paul, Minn., against the substitute for the Hoar anti-injunction bill—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Papers to accompany war claim of W. P. Lane—to the Committee on War Claims.

By Mr. WILSON: Resolution of Israelite Alliance of America, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. ZENOR: Papers to accompany House bill 13843, granting an increase of pension to O. D. Heald—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, June 28, 1902.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

THOMAS WILKINSON.

Mr. BERRY. Yesterday evening, at the request of one of my colleagues in the House, I called up a pension bill. I gave by mistake the wrong number to the clerks, and a bill was passed not intended by me to be considered. I know nothing about the merits of the bill, and I do not know whether the beneficiary desires that the bill shall be passed at this session or not.

Therefore I move to reconsider the votes by which the bill was ordered to a third reading and passed, and ask that it be placed upon the Calendar. It is the bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson.

Mr. PETTUS. I will inquire what the bill is about.

Mr. BERRY. It is a pension bill, and there was a mistake in the number. I know nothing about the bill. I do not know whether it is a meritorious bill or not. I do not know whether the beneficiary of the bill desires to have it passed at this session, for the reason that it is thought by many that bills passed now can not be signed. I do not wish to be responsible for the passage of a bill that I know nothing about, and I therefore move to reconsider the votes by which the bill was ordered to a third reading and passed.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the votes by which the bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson was read the third time and finally passed may be reconsidered. Is there objection? The Chair hears none. The Chair understands that the bill has not been sent to the House.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. In connection with the subject the Senator from Arkansas has alluded to, I will state that I have been importuned by some Senators and a great many members of the House to have the Pension Calendar cleared. I have said to them all that I felt very sure that if we passed the bills now on the Calendar they would fail of approval. For that reason I have not taken action in that direction. I make the public statement so that members of both Houses may understand the reason why the bills are allowed to remain on the Calendar.

Mr. BERRY. It was because the chairman of the Committee on Pensions had made that statement to me that I preferred to have the bill reconsidered, because I did not wish to have a bill passed where the beneficiary might not desire it.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 14, 15, 16, 17, 27, 28, 33, 36, 37, 71, 74, 75, 76, 77, 78, 79, 84, 95, and 96.

That the House recede from its disagreement to the amendments of the